

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. March 4, 2008

First Floor Board Room
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the February 26, 2008 regular meeting

AWARDS AND PROCLAMATIONS

- **Proclamations:**
 - Registered Dietician Day
 - Social Work Month
 - Vivian and JC Day
 - Emerald City Chorus
 - Desk and Derrick Month
- **Distinguished Service Award:**
 - Glenda K. Lorenz

PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. **Buck Goodman-Boathouse Proposal.**
2. **Autumn Heithaus-The Northern Flyer Alliance.**
- 2a. **Don Hamm-Smoker's Rights.**

CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated March 3, 2008

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

4. Applications for Licenses:

Renewals

Sheena Thomas Doming's 2425 West McCormick

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Arounh Sengseevong	Bangkok Thai Restaurant*	2020 South Rock Road Suite 50

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

6. Preliminary Estimates:

- a. Driftwood from the east line of Lot 52, Block D, west to the west line of Cimarron; Driftwood from the west line of Cimarron, west to the west line of Lot 1, Block A; Cimarron from the south line of 45th Street North, south to the north line of Kollmeyer; Kollmeyer from the east line of Lot 82, Block A, west to the west line of Ridge Port; Ridge Port from the north line of Kollmeyer, north to the north line of Lot 28, Block A; Kollmeyer Court (Lots 37 through 42, Block B) from the north line of Kollmeyer, north to and including the cul-de-sac; Kollmeyer Court (Lots 31 through 39, Block C) from the north line of Kollmeyer north to and including the cul-de-sac; Kollmeyer Court (Lots 36 through 46, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; Kollmeyer Court (Lots 47 through 56, Block A) from the south line of Kollmeyer south to and including the cul-de-sac; Kollmeyer Court (Lots 63 through 82, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; Driftwood Court (Lots 52 through 62, Block D) from the north line of Driftwood, north to and including the cul-de-sac; Sidewalk on Driftwood, Cimarron, Ridge Port and Kollmeyer to serve Edge Water Addition (south of 45th Street North, west of Hoover) (472-84582/766176/490194) Does not affect existing traffic. (District VI) - \$1,465,000.00

(Item 6 continued)

- b. 2006-2007 Traffic Signalization, Phase III: Traffic Signalization and Left Turn Lane at the Intersection of Hoover and MacArthur (472-84424b/706956/206422) See Special Provisions. (District IV) - \$472,203.00
- c. 2008 Sanitary Sewer Reconstruction, Phase 2 (various locations north of Kellogg, east of Broadway) (468-84483/620501/668620) Traffic to be maintained during construction using flagpersons and barricades. (District I, II) - \$157,000.00
- d. Ridgehurst from the south line of the plat, north to the south line of Graystone and sidewalk on one side of Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (472-84594/766164/490182) Does not affect existing traffic. (District II) - \$145,000.00
- e. Graystone from the north line of Lot 4, Block D, south and east to the east line of Lot 19, Block F; Terhune from the west line of Lot 18, Block F, east and north to the north line of Lot 9, Block E; Ridgehurst from the north line of Graystone, north to the north line of Lot 5, Block E; Ridgehurst Court from the west line of Ridgehurst west, south and east to and including the cul-de-sac; Sidewalk on one side of Graystone, Terhune and Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (472-84591/766165/490183) Does not affect existing traffic. (District II) - \$469,000.00
- f. Lateral 56 Cowskin Interceptor Sewer to serve The Woods Addition (north of Maple, east of 151st Street West) (468-84129/744268/480957) Does not affect existing traffic. (District V) - \$541,020.00
- g. Lateral 47 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (468-83967/744269/480958) Does not affect existing traffic. (District IV) - \$301,000.00
- h. Water Distribution System to serve Southern Ridge 3rd & 4th Additions (south of Pawnee, west of Maize) (448-90148/735402/470075) Does not affect existing traffic. (District IV) - \$56,000.00
- i. Water Distribution System to serve Southern Ridge 4th Addition (south of Pawnee, west of Maize) (448-90147/735401/470074) Does not affect existing traffic. (District IV) - \$48,000.00
- j. Storm Water Drain #338 to serve Monarch Landing 2nd Addition (north of 21st Street north, west of 159th Street East) (468-84434/751464/485355) Does not affect existing traffic. (District II) - \$814,000.00
- k. Storm Water Sewer #624 to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (468-84285/751458/485349) Does not affect existing traffic. (District VI) - \$85,840.00

RECOMMENDED ACTION: Receive and file.

7. Petitions for Public Improvements:

- a. Construct Paving, Sanitary Sewer and Water Improvements in Sierra Hills Addition, east of 127th Street East, north of Pawnee. (District II)
- b. Street Paving in the Pines at Sawmill Creek Addition, east of Rock Road, north of 45th Street North. (District II)
- c. Construct Storm Water Drain Improvements for Oak Creek First and Second Additions, south of 21st Street, west of Greenwich. (District II)
- d. Renovate Building Facade at 105 South Broadway, southwest corner of Douglas and Broadway. (District I)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

9. Agreements/Contracts:

- a. Staking in Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)-
Supplemental

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

10. Design Services Agreements:

- a. The Wood Addition, east of 151st Street West, north of Maple. (District V)
- b. Southern Ridge Third and Fourth Additions, south of Pawnee, west of Maize. (District IV)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

11. Change Orders:

- a. Street Paving in Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)
- b. MacArthur Improvement, between Meridian and Seneca. (District IV)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

12. Property Acquisition:

- a. Acquisition of Land at 4900 North Hoover for the Site of the Upper Arkansas River Sewage Treatment Plant. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Minutes of Advisory Boards/Commissions, March 04, 2008.

Board of Electrical Appeals, January 8, 2008
Board of Park Commissioners, January 14, 2008
Wichita Airport Advisory Board, January 14, 2008
Wichita Public Library, January 15, 2008
Wichita Historic Preservation Board, January 14, 2008
Wichita Board of Appeals of Plumbers and Gas Fitters, January 2, 2008

RECOMMENDED ACTION: Receive and file.

14. Parking Lots, Signage and Entry Drives.

RECOMMENDED ACTION: Adopt the bonding resolution and authorize all necessary signatures.

15. Swimming Pool Improvements. (Districts I, II, IV, V, & VI)

RECOMMENDED ACTION: Adopt the bonding resolution and authorize all necessary signatures.

16. Irrigation Systems Replacement and Upgrade. (Districts I, II, and III)

RECOMMENDED ACTION: Adopt the bonding resolution and authorize all necessary signatures.

17. Neighborhood Networks Grant Application. (District I)

RECOMMENDED ACTION: Authorize submission of an application for a Neighborhood Networks Program grant to be implemented at the Atwater Neighborhood City Hall (NCH), and authorize the necessary signatures.

18. Childcare Licensing Grant Application.

RECOMMENDED ACTION: Approve the grant application, the grant award if applicable, and authorize the necessary signatures.

19. Resolution-21st Street North Streetscape, Landscape and District Gateway Improvements, from I-135 to Hillside. (District I)

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

20. Purchase Option, Cox Communications Kansas, LLC. (District II)

RECOMMENDED ACTION: Adopt the Resolution approving the Special Warranty Deed, the Bill of Sale, and the Termination of Lease Agreement and authorize necessary signatures.

21. Police Explosives Ordnance Disposal Facility, (EOD).

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.

22. Approve Forms 5701 in Relation to Employment/Payroll Tax Audit of City.

RECOMMENDED ACTION: Approve Forms 5701 and authorize the Mayor to sign.

23. Second Reading Ordinances: (First Read February 12 and 26, 2008)

- a. SUB 2005-58 Plat of Foliage Center Addition located on the northwest corner of 13th Street North and Webb Road. (District II)

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

- b. SUB 2007-91 Plat of Allen Williams Addition located south of Harry and on the east side of Hoover Road. (District IV)

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended.

- c. Public Hearing and Tax Exemption, Carlson Hydraulics. (District IV)

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Carlson Hydraulics, so exempted.

RECOMMENDED ACTION: Adopt the Ordinances.

UNFINISHED BUSINESS

24. Review of Denial of Manufactured Home Park Annual License Renewal, Reed-A-Way Mobile Home Park, 2635 South Hydraulic. (District III)

RECOMMENDED ACTION: Take appropriate action based on evidence and testimony presented during the review hearing. The City Council can:

- sustain the action to deny renewal of the license;
- reverse the action to deny renewal of the license;
- modify the Office of Central Inspection's denial of the manufactured home park license; or
- defer official Council action to provide the appellants additional time to correct remaining code violations.

25. Repair or Removal of Dangerous and Unsafe Structures, 2612 East 13th Street North. (District I)

RECOMMENDED ACTION: Take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) Taxes are paid within ten days of the hearing, (2) the structure is maintained secure as of March 4, 2008 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of March 4, 2008, and will be so maintained during renovation.

NEW BUSINESS

26. Public Hearing on Proposed Assessments for Twenty (20) Paving Projects in July, 2008 Bond Sale Series 794
(Districts I, II, III, I V, and V)

The Council was notified on February 5, 2008 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

27. 2009 Federal Legislative Agenda.

Each year City Departments are asked to submit requests for federal legislative assistance. The Federal Legislative Agenda will be provided to the Federal Delegation in March for review and consideration.

RECOMMENDED ACTION: Approve the 2009 Federal Legislative Program.

28. Petitions to Renovate Building Facades in the Core Area. (Districts I and VI)

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for property owners to improve their buildings.

RECOMMENDED ACTION: Approve the Petitions, adopt the Resolutions, authorize the necessary signatures, and establish the public hearing.

29. Four Mile Creek Sewage Treatment Plant Improvements - Design/Build. (District II)

In 2001, the Water Utilities purchased the entire wastewater treatment and collection system infrastructure owned by Sedgwick County. The sewage treatment facility, Four Mile Creek, was upgraded to include updated treatment components allowing the facility to meet regulatory limits for nutrients.

RECOMMENDED ACTION: Approve the design/build project; authorize initiation of CIP funds; adopt the Resolution; authorize Staff to proceed with the RFP; and authorize the necessary signatures.

29a. Performance /Reception Facility-Cowtown. (District VI)

The City of Wichita began formally operating the Museum in September of 2007.

RECOMMENDED ACTION: City Manager makes no recommendation.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

30. ZON2007-00036 – Zone change from “SF-5” Single-family Residential, “TF-3” Two-family Residential and “LC” Limited Commercial to “MF-29” Multi-family Residential with a Protective Overlay. Generally located south and east of the intersection of 31st Street South and Wichita Street. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the additional conditions of Protective Overlay #193; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; OR 2) Return the application to the MAPC for reconsideration.

31. CUP2007-61 Associated with ZON2007-54– Create DP- Mike Steven Motors Community Unit Plan; zone change to “LC” Limited Commercial. Generally located between Kellogg Drive, Gouverneur Road, and Calhoun Drive. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC, approve the community unit plan and the zone change subject to the recommended conditions, and replatting within one year; withhold the publication of the ordinance until conditions of approval have been met; OR 2) Return the application to the MAPC for reconsideration.

32. ZON2007-66 - City Zone change from "MF-29" Multi-Family to "LC" Limited Commercial. Generally located southeast of the intersection of Meridian and Merton, 1716 and 1722 South Meridian. (District IV)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the request without the staff recommended dedications; approve the first reading of the ordinance establishing the zone change; OR
2) Approve subject to the dedication of 10 feet of ROW on Meridian, dedication of access control except for two openings spaced a minimum of 150 feet along Meridian, and filing a cross-lot access agreement with the abutting north and south properties, all to be completed within one year of approval. Approve the first reading of the ordinance establishing the zone change, instruct staff to withhold publication of the ordinance until conditions have been met; OR
3) Return the application to the MAPC for reconsideration.

33. *SUB 2007-10-Plat of McPeak Addition located east of Tyler Road and north of Maple Street. (District V)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

34. *SUB 2007-68-Plat of Oak Cliff Estates Seventh Addition located on the northwest corner of Maple Street and Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

CITY COUNCIL

35. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

- 35a. Council Appointments for Citizens Committee for screening of application for City Manager.

RECOMMENDED ACTION: Approve the appointments.

36. Approval for travel expenses for Mayor Brewer to attend the LKM Governing Body Meeting, March 13-14, 2008.

RECOMMENDED ACTION: Approve the expenditures.

37. Approval of travel expenses for Council Member Skelton to participate in trade mission to Germany, April 27 to May 3, 2008.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

Workshop to follow

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Paving, Sanitary Sewer and Water Improvements in Sierra Hills Addition (east of 127th St. East, north of Pawnee) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner representing 100% of the improvement districts.

Analysis: The projects will provide paving, sanitary sewer and water improvements within a residential development located east of 127th St. East, north of Pawnee.

Financial Considerations: The Petitions total \$320,000. The funding source is special assessments.

Goal Impact: These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer and water improvements in a new subdivision.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

Attachments: Map, CIP Sheet, Resolutions and Petitions.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **CHERRY CREEK CT. FROM THE EAST LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC; CHERRY CREEK CT. FROM THE NORTH LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC; AND CHERRY CREEK CT., FROM THE NORTH LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC THE NORTH LINE OF SIERRA HILLS ADDITION (EAST OF 127TH ST. EAST, NORTH OF PAWNEE) 472-84690** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **CHERRY CREEK CT. FROM THE EAST LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC; CHERRY CREEK CT. FROM THE NORTH LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC; AND CHERRY CREEK CT., FROM THE NORTH LINE OF CHERRY CREEK IN SIERRA HILLS TO AND INCLUDING THE CUL-DE-SAC THE NORTH LINE OF SIERRA HILLS ADDITION (EAST OF 127TH ST. EAST, NORTH OF PAWNEE) 472-84690** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on **Cherry Creek Ct. from the east line of Cherry Creek in Sierra Hills to and including the cul-de-sac; Cherry Creek Ct. from the north line of Cherry Creek in Sierra Hills to and including the cul-de-sac; and Cherry Creek Ct., from the north line of Cherry Creek in Sierra Hills to and including the cul-de-sac the north line of Sierra Hills Addition (east of 127th St. East, north of Pawnee) 472-84690.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Two Hundred Four Thousand Dollars (\$204,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SIERRA HILLS ADDITION

Lots 4 through 17, Block 1

Lots 2 through 10, Block 5

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 4 through 17 Block 1 and Lots 2 through 10, Block 5, SIERRA HILLS ADDITION shall each pay 1/23 of the total cost of the improvement district.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the

improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

132019

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 412, FOUR MILE CREEK SEWER (EAST OF 127TH ST. EAST, NORTH OF PAWNEE) 468-84499** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 412, FOUR MILE CREEK SEWER (EAST OF 127TH ST. EAST, NORTH OF PAWNEE) 468-84499** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 412, Four Mile Creek Sewer (east of 127th St. East, north of Pawnee) 468-84499**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for hereof is estimated to be **Seventy-One Thousand Dollars (\$71,000)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2007**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SIERRA HILLS ADDITION

Lots 4 through 15, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 4 through 15, Block 1 SIERRA HILLS ADDITION shall pay 1/12 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, the _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90371 (EAST OF 127TH ST. EAST, NORTH OF PAWNEE)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90371 (EAST OF 127TH ST. EAST, NORTH OF PAWNEE)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90371 (east of 127th St. East, north of Pawnee)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Forty-Five Thousand Dollars (\$45,000)** exclusive of the cost of interest on borrowed money, with **100** percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2007**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SIERRA HILLS ADDITION

Lots 4 through 17, Block 1

Lots 2 through 10, Block 5

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 4 through 17, Block 1 and Lots 2 through 10, Block 5 SIERRA HILLS ADDITION shall pay 1/23 of the total cost of the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

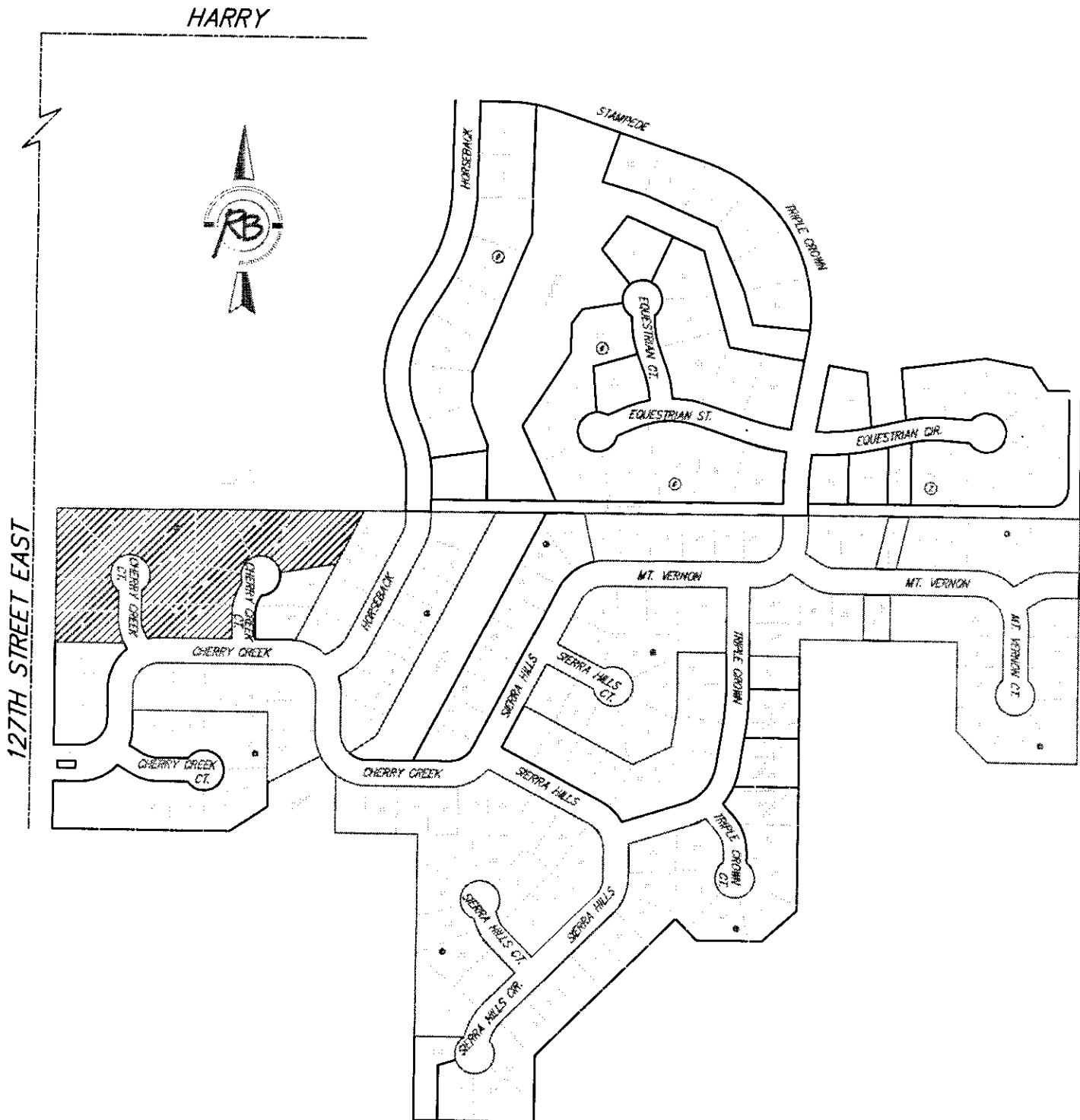
PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____,
2008

CARL BREWER, MAYOR

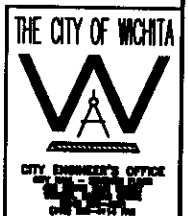
ATTEST:


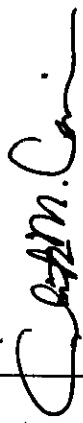
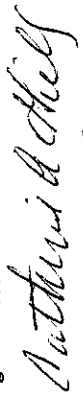
KAREN SUBLETT, CITY CLERK
(SEAL)

SIERRA HILLS ADDITION SANITARY SEWER PHASE 3



BENEFIT DISTRICT



CAPITAL IMPROVEMENT				
PROJECT AUTHORIZATION				
CITY OF WICHITA				
<div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project X</p> <p>To Revise Project </p> </div> <div> <ol style="list-style-type: none"> 1. Prepare in triplicate 2. Send original & 2 copies to budget. 3. City Manager to sign all copies. 4. File original w/ initiating resolution in City Clerk. 5. Return 2nd copy to initiating department. 6. Send 3rd copy to Controller. </div> </div>				
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 2/13/2008	4. Project Description & Location Pave Cherry Creek Ct in Sierra Hills Addition	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised		
As Required				
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.		\$204,000		\$204,000
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Traffic Signals				
Totals		\$204,000		\$204,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the petition and adopt the resolution				
Division Head 		Department Head 		Budget Officer 
				City Manager
				Date
				Date

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

USE:

To Initiate Project

To Revise Project

X

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 2/13/2008	4. Project Description & Location Sanitary Sewer for Sierra Hills Addition	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised		
As Required	As Required			
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.				
Bridge & Culverts				
Drainage				
Sanitary Sewer		\$71,000		\$71,000
Sidewalk				
Water				
Other				
Totals		\$71,000		\$71,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the petition and adopt the Resolution				

Platting Required	Yes	No
Lot Split	X	
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

* Sanitary Sewer Utility

468-84499

Division Head

Jan Ransom

Department Head

Chad M. G.

Budget Officer

Patricia Kelly
2-15-08

City Manager

Date

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

X

To Revise Project

1. Prepare in triplicate

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 2/13/2008	4. Project Description & Location Water Distribution System in Sierra Hills Addition	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised		
As Required				
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.				
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water		\$45,000		\$45,000
Other				
Totals		\$45,000		\$45,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the Petition and adopt the Resolution				

Platting Required	Yes	No
Lot Split		
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

* Water Utility

448-90371

Division Head

Department Head

San Remon

Budget Officer

City Manager

William H. Hill
2-15-08

Date

Date

PAVING PETITION- PHASE 3

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

SIERRA HILLS ADDITION

472-84690

Lots 4 - 17, Block 1
Lots 2 - 10, Block 5

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed pavement on **CHERRY CREEK CT.** from the east line of Cherry Creek in Sierra Hills to and including cul-de-sac; **CHERRY CREEK CT.** from the north line of Cherry Creek in Sierra Hills to and including cul-de-sac; and **CHERRY CREEK CT.**, from the north line of Cherry Creek in Sierra Hills to and including cul-de-sac the north line of Sierra Hills Addition;

That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas. Drainage to be installed where necessary, and sidewalks to be constructed on one side of all through, non cul-de-sac streets.

- (b) That the estimated and probable cost of the foregoing improvement being Two Hundred Four Thousand Dollars (\$204,000.00), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro rata of 1 percent per month from and after November 1, 2007.

- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

That the following lots and tracts in Sierra Hills Addition, an Addition to Wichita, Sedgwick County, Kansas shall each pay 1/23 of the total cost of the improvement district:

SIERRA HILLS ADDITION

Lots 4 - 17, Block 1
Lots 2⁵-10, Block 5

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION

SIGNATURE

DATE

SIERRA HILLS ADDITION

Lots 4 - 17, Block 1
Lots 2 -10, Block 5

 2/13/08

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Kenneth W. Lee
Kenneth W. Lee Name

924 N. Main, Wichita, KS 67203
Address

316-264-8008
Telephone number

Sworn to and subscribed before me this 13th day of February, 2007. 2008



Sharon G. Adcock
Deputy City Clerk

SANITARY SEWER PHASE 3 PETITION

To the Mayor and City Council
Wichita, Kansas

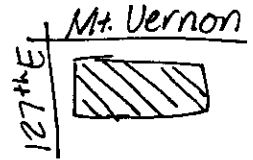
L 412, FME

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

SIERRA HILLS ADDITION

Lots 4-15, Block 1



468-84499

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Seventy One Thousand Dollars (\$71,000.00), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro rata rate of 1 percent per month from and after November 1, 2007.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

That the following described lots and tracts situated in Sierra Hills Addition, an Addition to Wichita, Sedgwick County, Kansas shall each pay 1/12 of the total cost payable by the improvement district:

SIERRA HILLS ADDITION

Lots 4-15, Block 1

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 12-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

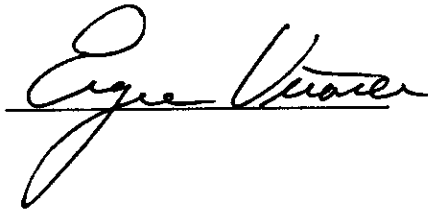
LEGAL DESCRIPTION

SIGNATURE

DATE

SIERRA HILLS ADDITION

Lots 4-15, Block 1

A handwritten signature in cursive script, appearing to read "Eugene V. Vetter", written over a horizontal line.

2/12/08

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Kenneth W. Lee
Kenneth W. Lee Name

924 N. Main, Wichita, KS 67203
Address

316- 264- 8008
Telephone number

Sworn to and subscribed before me this 13th day of February, ~~2007~~ 2008



Carol A. Sadlock
Deputy City Clerk

WATER DISTRIBUTION SYSTEM PHASE 3 PETITION

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

SIERRA HILLS ADDITION

448-90371

Lots 4 - 17, Block 1
Lots 2 - 10, Block 5

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Forty Five Thousand Dollars (\$45,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above setforth is hereby increased at the pro rata rate of 1 percent per month from and after November 1, 2007.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

That the following tracts and lots in Sierra Hills Addition, an Addition to Wichita, Sedgwick County, Kansas shall each pay 1/23 of the total cost of the improvement district:

SIERRA HILLS ADDITION

Lots 4 - 17, Block 1
Lots 2 - 10, Block 5

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION

SIGNATURE

DATE

SIERRA HILLS ADDITION

Lots 4 - 17, Block 1
Lots 2 - 10, Block 5



2/12/08

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Kenneth W. Lee
Kenneth W. Lee Name

924 N. Main, Wichita, KS 67203
Address

316-264-8008
Telephone number

Sworn to and subscribed before me this 13th day of February, 2007. 2008



Deborah A. Sadlock
Deputy City Clerk

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council Members

SUBJECT: Petition for Street Paving in the Pines at Sawmill Creek Addition (east of Rock, north of 45th St. North) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On December 4, 2007, the City Council approved a petition to pave streets in the Pines at Sawmill Creek Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

Analysis: The project will provide street paving for a new residential development located east of Rock, north of 45th St. North.

Financial Considerations: The existing Petition totals \$147,000. The new Petition totals \$166,000. The funding source is special assessments.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing street paving required for a new residential development.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendations/Actions: It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **NORTH IRON WOOD CIR., FROM THE NORTH LINE OF 45TH ST. NORTH TO AND INCLUDING THE CUL-DE-SAC (EAST OF ROCK, NORTH OF 45TH ST. NORTH) 472-84630** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **NORTH IRON WOOD CIR., FROM THE NORTH LINE OF 45TH ST. NORTH TO AND INCLUDING THE CUL-DE-SAC (EAST OF ROCK, NORTH OF 45TH ST. NORTH) 472-84630** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **07-683** adopted on **December 4, 2007** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on **North Iron Wood Cir., from the north line of 45th St. North to and including the cul-de-sac (east of rock, north of 45th St. North) 472-84630.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to **One Hundred Sixty-Six Thousand Dollars (\$166,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2008** exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE PINES AT SAWMILL CREEK

Lots 1 through 9, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the following tracts and lots in THE PINES AT SAWMILL CREEK, Lots 1 through 9, Block 1, a replat of part of Sawmill Creek Addition shall each pay 1/9 of the total cost of the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this ____ day of _____, 2008.

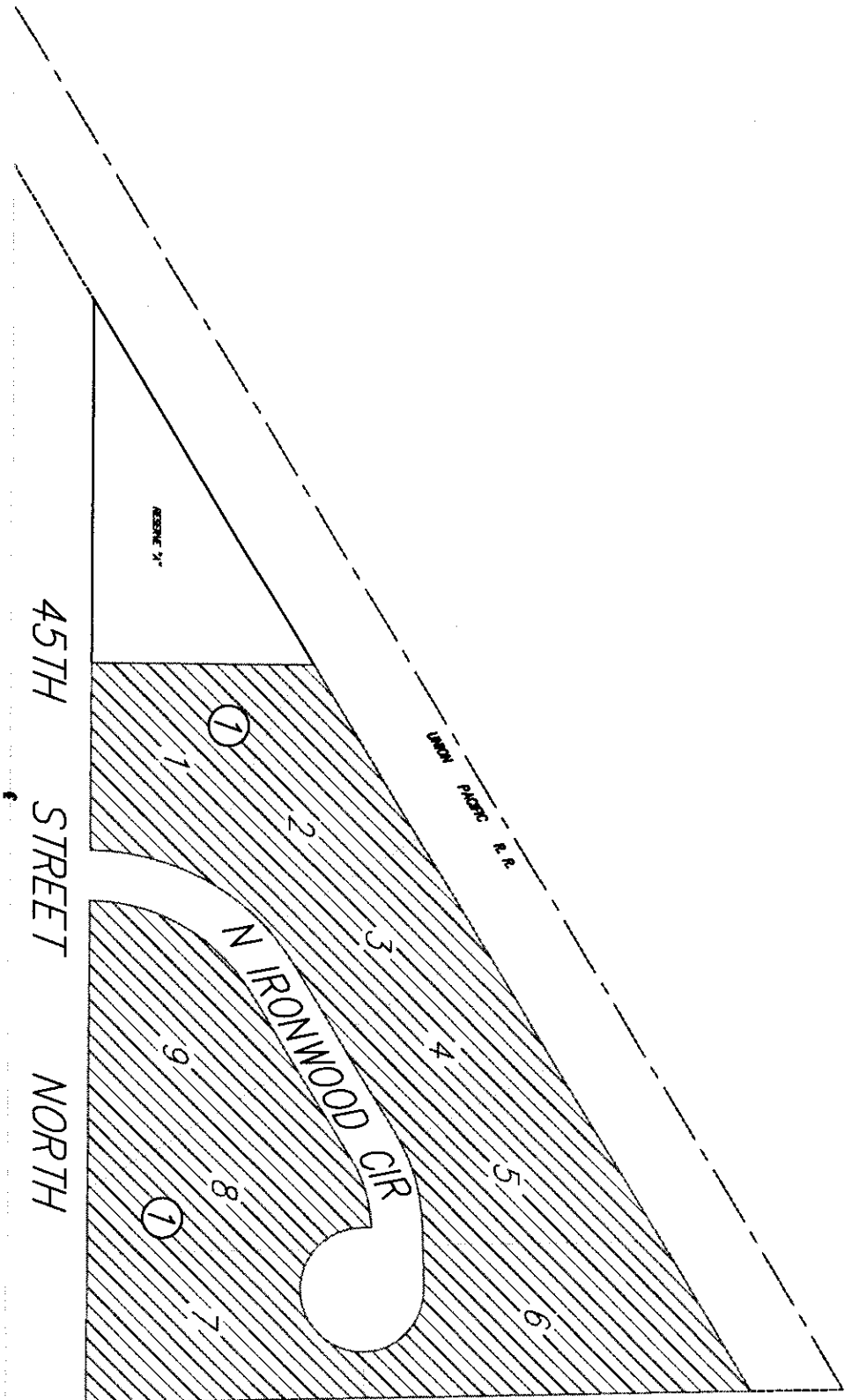
CARL BREWER, MAYOR

ATTEST:

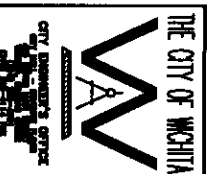
KAREN SUBLETT, CITY CLERK

(SEAL)

THE PINES AT SAWMILL CREEK ADDITION



PROPOSED IMPROVEMENT DISTRICT
(ACTUAL ALIGNMENT TO BE
DETERMINED BY DESIGN ENGINEER)



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

X

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 2/13/2008	4. Project Description & Location Pave North Iron Wood Circle in Pines at Sawmill Creek Addition	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2008	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised		
As Required				
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.		\$166,000		\$166,000
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Traffic Signals				
Totals		\$166,000		\$166,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				


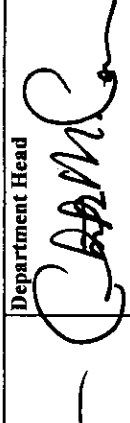
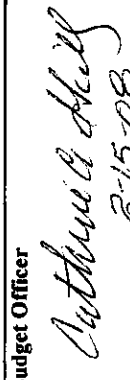
Platting Required	Yes	No
Lot Split	X	
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

472-84630

13. Recommendation: Approve the petition and adopt the resolution

Division Head 	Department Head 	Budget Officer 	City Manager
Date	Date	Date	Date

PAVING PETITION

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

THE PINES AT SAWMILL CREEK

Lots 1 - 9, Block 1

472-84630
do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed pavement on N. **IRON WOOD CIR.**, from the north line 45th Street North to and including cul-de-sac.

That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.

- (b) That the estimated and probable cost of the foregoing improvement being One Hundred Sixty Six Thousand Dollars (\$166,000.00), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata of 1 percent per month from and after February 1, 2008.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the

improvement district shall be liable shall be on a fractional basis:

That the following lots and tracts in The Pines at Sawmill Creek, A replat of part of Sawmill Creek Addition, Wichita, Sedgwick County, Kansas shall each pay 1/9 of the total cost of the improvement district:

THE PINES AT SAWMILL CREEK

Lots 1 - 9, Block 1

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
-------------------	-----------	------

THE PINES AT SAWMILL CREEK

Lots 1 - 9, Block 1

A handwritten signature in black ink, appearing to be 'V. [unclear]', written in a cursive style.

2/12/08

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Kenneth W. Lee _____
Kenneth W. Lee Name

924 N. Main, Wichita, KS 67203
Address

316-264-8008 _____
Telephone number

Sworn to and subscribed before me this 13th day of February, 2008 ~~2007~~ 2008



Dorothy A. Sadlock
Deputy City Clerk

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Storm Water Drain Improvements for Oak Creek 1st and 2nd Additions (south of 21st, west of Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petitions.

Background: On September 26, 2006, and November 28, 2006, the City Council approved Petitions for drainage improvements in Oak Creek 1st and 2nd Additions. The developer has submitted new Petitions with revised assessment districts to reflect recent platting activity. The signatures on the new Petitions represent 100% of the improvement districts.

Analysis: The projects will serve new commercial development located south of 21st, west of Greenwich.

Financial Considerations: The existing Project budgets are unchanged.

Goal Impact: The projects address the Efficient Infrastructure goal by providing public improvements needed for new commercial development.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petitions, adopt the Resolutions and authorize the necessary signatures.

Attachments: Map, Petitions and Resolutions.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 303 (SOUTH OF 21ST, WEST OF GREENWICH) 468-84235** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER DRAIN NO. 303 (SOUTH OF 21ST, WEST OF GREENWICH) 468-84235** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 06-497** adopted on **September 26, 2006** and Resolution **No. 06-647** adopted on **November 21, 2006** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 303 (south of 21st, west of Greenwich) 468-84235**.

SECTION 3. That the cost of said improvements provided for in Section 2 thereof is estimated to be **Five Hundred Thousand Dollars (\$500,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2006**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

OAK CREEK ADDITION

Lot 1, Block 1
Lot 3 and 4, Block 2
Lots 1, 2, 8 and 9, Block 3

OAK CREEK 2ND ADDITION

Lots 1 and 2, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 1, Block 1, OAK CREEK ADDITION shall pay 44,500/500,000 of the total cost of the improvement; Lot 3, Block 2, OAK CREEK ADDITION shall pay 4525/500,000 of the total cost of the improvement; Lot 4, Block 2, OAK CREEK ADDITION shall pay 99,000/500,000 of the total cost of the improvement; Lot 1, Block 3, OAK CREEK ADDITION shall pay 16,000/500,000 of the total cost of the improvement; Lot 2, Block 3, OAK CREEK ADDITION shall pay 213,475/500,000 of the total cost of the improvement; Lot 8, Block 3, OAK CREEK ADDITION shall pay 38,000/500,000 of the total cost of the improvement; Lot 9, Block 3, OAK CREEK ADDITION shall pay 37,000/500,000 of the total cost of the improvement; Lot 1, Block 1, OAK CREEK 2ND ADDITION shall pay 21,500/500,000 of the total cost of the improvement; Lot 2, Block 1, OAK CREEK 2ND ADDITION shall pay 26,000/500,000 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8.

Whereas, the

Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9.

Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 302 (SOUTH OF 21ST, WEST OF GREENWICH) 468-84234** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER DRAIN NO. 302 (SOUTH OF 21ST, WEST OF GREENWICH) 468-84234** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **06-496** adopted on **September 26, 2006** and Resolution No. **06-646** adopted on **November 21, 2006** are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 302 (south of 21st, west of Greenwich) 468-84234**.

SECTION 3. That the cost of said improvements provided for in Section 2 thereof is estimated to be **Seven Hundred Eighty-Seven Thousand Two Hundred Dollars (\$787,200)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2006**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

OAK CREEK ADDITION

Lot 3, Block 2

Lots 1 and 2, Block 3

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 3, Block 2, OAK CREEK ADDITION shall pay 9,372/787,200 of the total cost of the improvement; Lot 1, Block 3, OAK CREEK ADDITION shall pay 43,522/787,200 of the total cost of the improvement; and Lot 2, Block 3, OAK CREEK ADDITION shall pay 734,306/787,200 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8.

Whereas, the

Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9.

Be it further resolved

that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this ____ day of

_____, 2008.

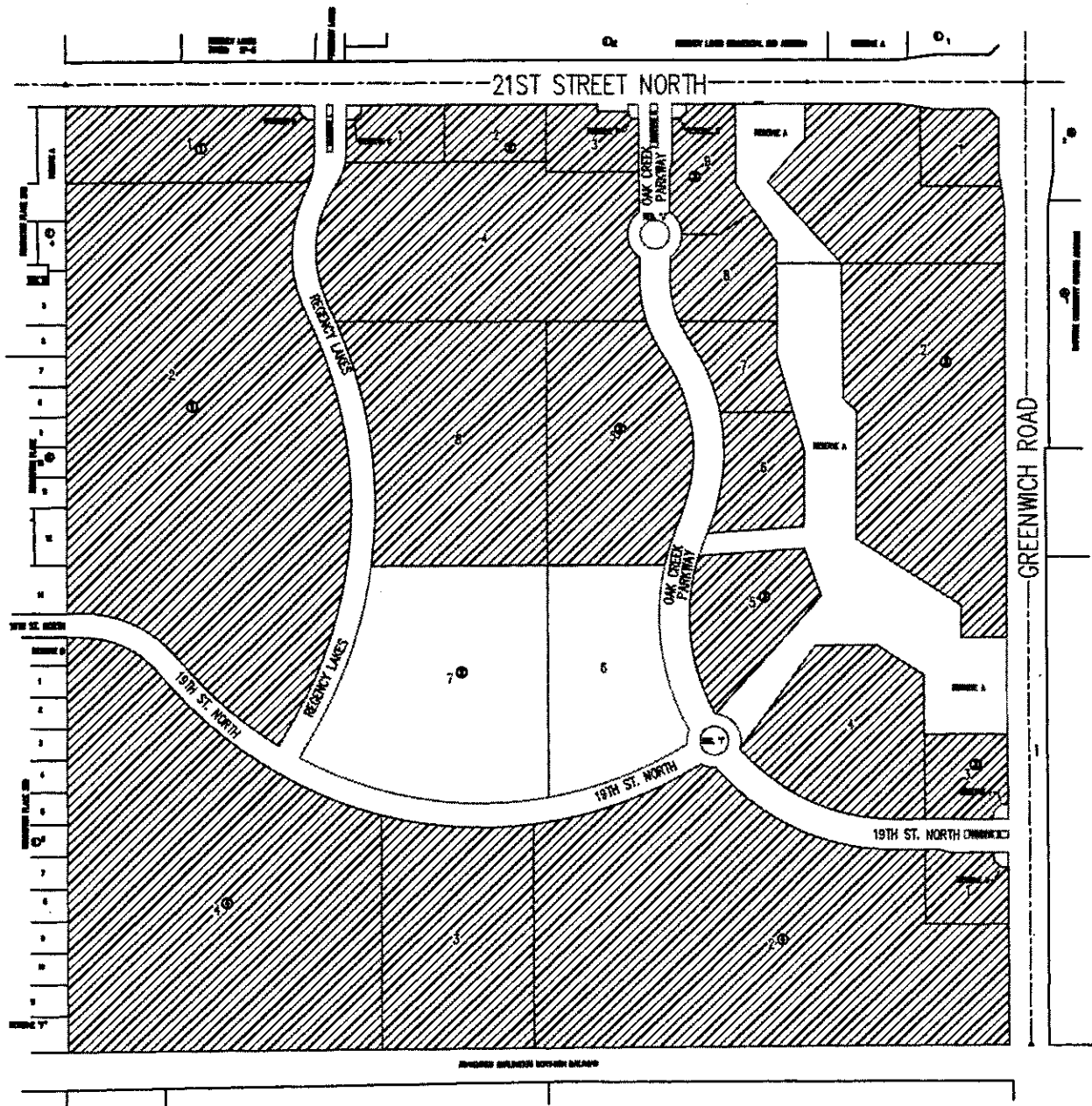
CARL BREWER, MAYOR

ATTEST:

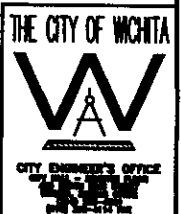
KAREN SUBLETT, CITY CLERK

(SEAL)

OAK CREEK ADDITION



BENEFIT DISTRICT 
 (ACTUAL ALIGNMENT TO BE
 DETERMINED BY DESIGN ENGINEER)



RECEIVED

DEC 31 '07 12:45pm

CITY CLERK OFFICE *at*

**STORM WATER DRAIN PETITION
(PHASE 1-A)
(08/29/07)**

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

SWD 303

458-84235

OAK CREEK ADDITION

Lot 1, Block 1
Lots 3 and 4, Block 2
Lots 1, 2, 8 and 9, Block 3

OAK CREEK 2ND ADDITION

Lots 1 and 2, Block 1

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended as follows:



- (a) That there be constructed a storm sewer drain to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Five Hundred Thousand Dollars (\$500,000.00), with 100% percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after November 1, 2006.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.
If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.
- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Lot 1, Block 1, Oak Creek Addition shall pay 44,500/500,000 of the total cost of the improvement; Lot 3, Block 2, Oak Creek Addition shall pay 4525/500,000 of the total cost of the improvement; Lot 4, Block 2, Oak Creek Addition shall pay 99,000/500,000 of the total cost of the improvement; Lot 1, Block 3, Oak Creek Addition shall pay 16,000/500,000 of the total cost of the improvement; Lot 2, Block 3, Oak Creek Addition shall pay 213,475/500,000 of the total cost of the improvement; Lot 8, Block 3, Oak Creek Addition shall pay 38,000/500,000 of the total cost of the improvement; Lot 9, Block 3, Oak Creek Addition shall pay 37,000/500,000 of the total cost of the improvement; Lot 1, Block 1, Oak Creek 2nd Addition shall pay 21,500/500,000 of the total cost of the improvement; Lot 2, Block 1, Oak Creek 2nd Addition shall pay 26,000/500,000 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2.
 - (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
 - (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.
3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>OAK CREEK</u>	SLAWSON COMMERCIAL PROPERTIES, L.L.C.	
<u>BLOCK 1</u> Lot 1	By:  David A. Trimble, Vice President	
<u>BLOCK 2</u> Lots 3 and 4	INTRUST BANK, N.A.	
<u>BLOCK 3</u> Lots 1, 2, 8 and 9	By:  Douglas C. Winkley, Senior Vice President	
<u>OAK CREEK 2ND</u>		
<u>BLOCK 1</u> Lots 1 and 2		

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Frank Gaud
Name

727 N. WACO, 67203
Address

262-3201
Telephone No.

Sworn to and subscribed before me this 31st day of December
2007.



Shirley A. Sadtler
Deputy City Clerk

RECEIVED

DEC 31 '07 12:45 PM

CITY CLERK OFFICE

**STORM WATER DRAIN PETITION
(PHASE 1)
(08/29/07)**

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

SWD 302

OAK CREEK ADDITION
Lot 3, Block 2
Lots 1 and 2, Block 3

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended as follows:

468-84234

- (a) That there be constructed a storm sewer drain to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the foregoing improvements being Seven Hundred Eighty Seven Thousand Two Hundred Dollars (\$787,200.00), with 100% percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after November 1, 2006.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Lot 3, Block 2, Oak Creek Addition shall pay 9,372/787,200 of the total cost of the improvement; Lot 1, Block 3, Oak Creek Addition shall pay 43,522/787,200 of the total cost of the improvement; and Lot 2, Block 3, Oak Creek Addition shall pay 734,306/787,200 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 13-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
-------------------	-----------	------

OAK CREEK ADDITION

INTRUST BANK, N.A.

BLOCK 2

Lot 3

By:


Douglas C. Winkley, Senior Vice President

BLOCK 3

Lots 1 and 2

SLAWSON COMMERCIAL PROPERTIES, L.L.C

By:


David A. Trimble, Vice President

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Frank Kowal
Name

727 N. WACO AVE 400 67203
Address

263-3201
Telephone No.

Sworn to and subscribed before me this 31st day of December
2007.



Sharon A. Adcock
Deputy City Clerk

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Petition to Renovate Building Facade at 105 S. Broadway (southwest corner of Douglas and Broadway) (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petition.

Background: On May 16, 2006, the City Council approved a Facade Improvement Petition for an office building at the southwest corner of Douglas and Broadway. After the work began, a number of additional work items were identified related to the repair of the concrete entrances, broken granite, and frieze moldings. The building owner has submitted a new Petition with an increased budget for the cost of the additional work. The signature on the Petition represents 100% of the improvement district.

Analysis: The building is known as the Broadway Plaza Building. The facade project has repaired the masonry exterior and replaced windows and doors. The street level storefront has been restored to its original appearance.

Financial Considerations: The existing project budget is \$500,000, with the total paid by special assessments. The revised project budget is \$580,000 with the total paid by special assessments. The program regulations for high-rise buildings do not allow any part of the cost to be a forgivable loan; therefore this project has no impact on that component of the facade program.

Goal Impact: This project addresses the Dynamic Core Area goal by facilitating improvements to a privately owned building in the central business district.

Legal Considerations: State Statutes provide the City Council authority to use special assessment funding for the project.

Recommendation/Action: It is recommended that the City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures.

Attachments: Maps, CIP sheet, Petition, Resolution

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **FACADE IMPROVEMENTS AT 105 SOUTH BROADWAY (SOUTH OF DOUGLAS, WEST OF BROADWAY) 472-84411** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **FACADE IMPROVEMENTS AT 105 SOUTH BROADWAY (SOUTH OF DOUGLAS, WEST OF BROADWAY) 472-84411** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 06-222** adopted on **May 16, 2006** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Facade Improvements at 105 South Broadway abutting public ways, including Douglas Street and Broadway Street (south of Douglas, west of Broadway) 472-84411.**

Said improvement shall be constructed in accordance with plans and specifications approved by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Five Hundred Eighty Thousand Dollars (\$580,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

GRIEFFENSTEIN'S ADDITION

Lots 133 and 135, on Douglas Avenue, in Grieffenstein's Original Town, of Wichita, Sedgwick County, Kansas.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 7. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 8. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

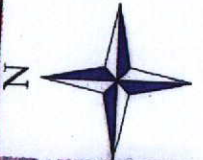
PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)



Powered by Ge

Broadway Ave

S BROADWAY AVE

Douglas Ave

Broadway Plaza
Building



N MARKET ST

S MARKET ST



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

	X
--	---

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 2/13/2008	4. Project Description & Location Facade improvement at 105 S Broadway
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2007	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required	As Required		
12. Project Cost Estimate			
ITEM	GO	SA	OTHER * TOTAL
Right of Way			
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water			
Facade		\$580,000	\$580,000
Totals		\$580,000	\$580,000
Total CIP Amount Budgeted			
Total Prelim. Estimate			
13. Recommendation: Approve the petition and adopt the resolution			

Platting Required	Yes	No
Lot Split		
Petition	X	
Ordered by WCC		

Remarks:

100% Petition

472-84411

Division Head

Jan Rensen

Department Head

Chris M. Co.

Budget Officer

Anthony Hill

City Manager

Date

2-15-08

FACADE IMPROVEMENT PETITION

To the Mayor and City Council
Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record, (Broadway Plaza I, LLC a Kansas limited liability company), as below designated, of Lots, Parcels, and Tracts of real property described as follows:

Lots 133 and 135, on Douglas Avenue, in Greiffenstein's Original Town of Wichita, Sedgwick County, Kansas.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq. as amended, as follows:

472-84411

- (a) That there be designed and reconstructed a facade that will enable historically or architecturally significant buildings to be preserved and eliminate exterior code deficiencies. That said improvements be constructed according to plans and specifications approved by the City of Wichita.
- (b) That the estimated and probable cost of the foregoing improvement being FIVE HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$580,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the

property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis:

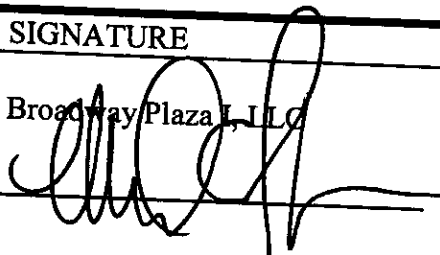
Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>IMPROVEMENT DISTRICT</u> Lots 133 and 135, on Douglas Avenue, in Greiffenstein's Original Town of Wichita, Sedgwick County, Kansas.	Broadway Plaza I, LLC By 	2-8-08
	Its <u>member</u>	

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

1300 Main
Name

1311 Morris

PW - Eng
Address

4548
Telephone Number

Sworn to and subscribed before me this 13 day of February, 2008.



[Signature]
for Karen Sublett, City Clerk

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Staking in Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the water and sewer improvements in Auburn Hills 16th Addition on March 21, 2006. On November 27, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$10,095 and will be paid by special assessments.

Goal Impact: This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of water and sewer improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

Attachments: Supplemental Agreement

SUPPLEMENTAL AGREEMENT
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED NOVEMBER 27, 2007
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
BAUGHMAN COMPANY, P.A.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated November 27, 2007) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in **AUBURN HILLS 16TH ADDITION** (south of Maple, east of 151st Street West).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

STAKING & AS-BUILT

(as per the City of Wichita Standard Construction Engineering Practices)

WATER DISTRIBUTION SYSTEM NO. 448 90123 serving Lots 12 through 24, Block A; Lots 4 through 31, Block E; Lots 1 through 9, Block F; Lots 1 through 31, Block G, Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (Project No. 448 90123).

LATERAL 51, COWSKIN INTERCEPTOR SEWER serving Lots 12 through 24, Block A; Lots 4 through 31, Block E; Lots 1 through 9, Block F; Lots 1 through 7, Block G; Lots 15 through 21, Block G, Auburn Hills 16th Addition (south of Maple, east of 151st Street West) (Project No. 468 84091).

Construction staking and final as-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER, with final as-built plans submitted and sealed by a licensed land surveyor or registered professional engineer. Minimum construction staking shall consist of the following: grade stakes set at 50 foot centers in tangent sections, and 25 foot centers through curve sections, at the street centerline (to match CL street stationing per paving plans); both right-of-way lines (at lot corners); back lot/easement lines (at lot corners); as well as any other grade break lines. Grade stake cuts and fills shall be to the dirt grade as required by the mass grading plan details, and shall not be set for final pavement grade, nor to actual final subgrade elevation. Final elevations for

all areas outside the street right-of-way to be graded per plans, provisions or otherwise, including lots, easements, ponds and reserve areas, shall be within +/-0.2' of plan call-outs, unless otherwise stated in plans or provisions. Final elevations within the street right-of-way shall be within +/-0.1' of plan call-outs. The ENGINEER will be responsible to provide initial as-built(s) to the City's Project Engineer, who will coordinate any rework with the contractor. The ENGINEER'S survey and as-built generation responsibilities will include re-checking all points deemed to be out of compliance by the City project engineer, regardless of the number of times to achieve compliance. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the Project Engineer within 5 days of completion of final grading, will show original plan and final as-built elevations at all original call-out locations. Submittals will include both standard plan sheets as well as an electronic file.

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

Project No. 448 90123	\$ <u>3,860.00</u>
Project No. 468 84091	\$ <u>6,235.00</u>
TOTAL	\$<u>10,095.00</u>

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2008.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

N. Brent Wooten, President

ATTEST:

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for The Wood Addition (east of 151st Street West, north of Maple)(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water, sewer and drainage improvements in The Wood Addition on February 14, 2006.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sewer and drainage in The Wood Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$64,300 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Attachments: Agreement.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

THE WOODS ADDITION

THIS AGREEMENT, made this _____ day of _____, 2008, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90163 serving Lots 1 through 11, Block A; Lots 14 through 31, Block B; Lots 1 through 5, Block C; Lots 25 through 29, Block C, The Woods Addition (east of 151st Street West, north of Maple) (Project No. 448 90163).

LATERAL 1, MAIN 8, COWSKIN INTERCEPTOR SEWER serving Lots 1 through 12, Block A; Lots 14 through 53, Block B; Lots 1 through 29, Block C; Lots 1 through 14, Block D, The Woods Addition (east of 151st Street West, north of Maple) (Project No. 468 84129).

STORM WATER DRAIN NO. 287 serving Lots 1 through 12, Block A; Lots 14 through 53, Block B; Lots 1 through 29, Block C; Lots 1 through 14, Block D, The Woods Addition (east of 151st Street West, north of Maple) (Project No. 468 84131).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in The Woods Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).
- B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
- C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.
- D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.
- E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.
- F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.
- G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.
- I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.
- J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$5,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

- Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.
- K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as

Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

- A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.
- B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.
- C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.
- D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.
- E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.
- F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

- A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90163	\$ <u>7,700.00</u>
Project No. 468 84129	\$ <u>27,800.00</u>
Project No. 468 84131	\$ <u>28,800.00</u>
TOTAL	\$ <u>64,300.00</u>

- B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
 - 1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
 - 2. Additional design services not covered by the scope of this agreement.
 - 3. Construction staking, material testing, inspection and administration related to the PROJECT.
 - 4. A major change in the scope of services for the PROJECT.If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

APPROVED:

Chris Carrier, Director of Public Works

BAUGHMAN COMPANY, P.A.

ATTEST:

EXHIBIT "A"

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared per Attachment No. 1.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I – PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Storm Water Pollution Prevention. On projects that disturb one acre or more, the ENGINEER will prepare a storm water pollution prevention plan, prepare the necessary permit application(s) and include any provisions or requirements in the project plans and special provisions. The storm water pollution prevention plan shall also include submittal of a NOI prior to bidding; site-specific erosion control plan; and standard BMP detail sheets per Attachment No. 1.
3. Soils and Foundation Investigations. The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
4. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
5. Drainage Study. When applicable, conduct a detailed study to explore alternative design concepts concerning drainage for the PROJECT. Present the findings in writing identifying recommendations to the CITY, including preliminary cost estimates, prior to development of final check plans. Such written findings and recommendations must be in a format which is self explanatory and readily understood by persons with average backgrounds for the technology involved.
6. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT'S plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 6.5, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be submitted per Attachment No. 1. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files

of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.

7. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the setting monuments of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.
8. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.
9. All applicable coordinate control points and related project staking information shall be furnished on a map on the plans, as well on CD-ROM, as a text file, along with the project PDF's. When applicable, this coordinate information will be used by the CITY for construction staking purposes.
10. All shop drawings submitted by the contractor for the PROJECT shall be reviewed and, when acceptable, approved for construction by the ENGINEER for the PROJECT.
11. The ENGINEER shall meet with effected property owners, along with City staff, at a pre-construction Public Information Meeting, as arranged by the City, to explain project design, including such issues as construction phasing and traffic control.
12. The ENGINEER shall complete permanent monumentation of all new R/W, complete and submit all necessary legal documentation for same.
13. Permits. The ENGINEER shall prepare any and all necessary permits for this PROJECT, such as the preparation of applications for U.S. Army Corps of Engineers (404) permits, Division of Water Resources permit, Kansas Department of Wildlife and Parks permit and Kansas Department of Health and Environment permit. Also if requested by the CITY, obtain construction approval from the U.S. Army Corps of Engineers and assist the CITY in coordinating the archaeological review of the PROJECT.
14. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.
 - a. Plan Development for the water improvements by **March 10, 2008**.
(Project No. 448 90163).
 - b. Plan Development for the sewer improvements by **March 10, 2008**.
(Project No. 468 84129).
 - c. Plan Development for the drainage improvements by **April 14, 2008**.
(Project No. 468 84131).

Attachment No. 1 to Exhibit “A” – Scope of Services

Plan Submittal

Water projects plans shall be submitted with (1) set of mylar plans; and a CD of the .dwgs and .pdfs. This includes projects that have the water plans incorporated into that project, for which the cover sheet should also be included.

Storm Sewer, Sanitary Sewer and Paving plans shall be submitted in a .dwg and .pdf format on a CD.

Paper plan submittals for KDOT projects (i.e. Field Check, ULCC, Final Check, etc.) will not change and the cover sheet mylar will be required for all projects for signature purposes. Projects that have water lines incorporated into the project are required to have those pages in a mylar format. The complete project must be submitted in a scalable .pdf format.

In addition, two (2) sets of 11”x17” plans will be submitted at the time of final .pdf submittal for ALL projects, regardless of the type.

Storm Water Pollution Prevention

For any project disturbing one acre of ground or more, the design Consultant must prepare a Notice of Intent and a Storm Water Pollution Prevention Plan and submit them to the KDHE for approval. Complete copies of the approved NOI and SWP3 must be provided to the City, prior to bidding. One hard copy should be provided to the project engineer upon approval, one electronic copy should be included with your transmittal of PDF plan files, and one additional electronic copy should be sent to the attention of Mark Hall at the following address:

City of Wichita
Environmental Services
1900 E. 9th St. North
Wichita, KS 67214

THIS INCLUDES **ALL** PROJECTS DISTURBING ONE ACRE OR MORE – I.E. NEW DEVELOPMENT, ARTERIAL STREETS, DIRT STREETS, BIKE PATHS, SEWER MAINS, ETC.

The City of Wichita will, under no circumstance, bid any project without first receiving copies of the KDHE approved NOI and SWP3.

The design of all City of Wichita construction projects must include the development of a site-specific erosion control plan. The site-specific erosion control plan must be included in the project plans. Every component and requirement of the erosion control plan must be separately and accurately accounted as a measured quantity bid item in the engineer’s estimate.

Please note that careful consideration must be given to the transition of BMP maintenance responsibilities throughout the course of multi-phased projects. All intended responsibilities must be clearly demonstrated by the bid items. For example, if it is intended that the contractor of a subsequent waterline project be responsible for the maintenance of silt fence installed with a preceding sanitary sewer project, a measured quantity bid item must be submitted for x-lf of silt fence maintenance.

The City’s current BMP standard detail sheets shall be included in all plans. These five sheets must be included in every plan set developed for the City of Wichita, regardless of project size.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Southern Ridge 3rd & 4th Additions (south of Pawnee, west of Maize) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water, sewer and paving improvements in Southern Ridge 3rd & 4th Additions on December 13, 2005.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sewer and paving in Southern Ridge 3rd & 4th Additions. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$54,900 and will be paid by special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of water, sewer and paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Attachments: Agreement.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

SOUTHERN RIDGE 3RD & 4TH ADDITIONS

THIS AGREEMENT, made this _____ day of _____, 2008, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90147 serving Lots 5 through 8, Block B; Lots 23 through 42, Block C; Lots 1 through 7, Block D, Southern Ridge 4th Addition (south of Pawnee, west of Maize) (Project No. 448 90147).

WATER DISTRIBUTION SYSTEM NO. 448 90148 serving Lots 57 through 73, Block C, Southern Ridge 3rd Addition; Lots 9 and 10, Block B; Lots 8 through 12, Block D, Southern Ridge 4th Addition (south of Pawnee, west of Maize) (Project No. 448 90148).

LATERAL 47, COWSKIN INTERCEPTOR SEWER serving Lots 1 through 10, Block B; Lots 1 through 73, Block C, Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (Project No. 468 83967).

YOSEMITE from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Block B; **WESTGATE** from the southeast line of Yosemite, southeast to the north line of Greenfield; **GREENFIELD** from the east line of Westgate, west to the east line of Lark Lane; **GREENFIELD CIRCLE** from the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be constructed on Yosemite, Westgate and Greenfield (south of Pawnee, west of Maize) (Project No. 472 84343).

YOSEMITE from the southwest line of Lot 8, Block B, Southern Ridge 4th Addition, south to the northeast line of Lark Lane, Southern Ridge 3rd Addition; **LARK LANE** from the northwest line of Lot 10, Block B, Southern Ridge 4th Addition, southeast and south to the south line of the plat; **LARK COURT**

from the west line of Lark Lane, west to and including the cul-de-sac and that sidewalk be constructed on Yosemite and Lark Lane (south of Pawnee, west of Maize) (Project No. 472 84344).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Southern Ridge 3rd and 4th Additions and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).
- B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
- C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.
- D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.
- E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.
- F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.
- G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.
- I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.
- J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

- K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

- A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.
- B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.
- C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.
- D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.
- E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.
- F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

- A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90147	\$ <u>4,000.00</u>
Project No. 448 90148	\$ <u>4,600.00</u>
Project No. 468 83967	\$ <u>17,700.00</u>
Project No. 472 84343	\$ <u>14,800.00</u>
Project No. 472 84344	\$ <u>13,800.00</u>
TOTAL	\$ 54,900.00

- B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
 1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
 2. Additional design services not covered by the scope of this agreement.
 3. Construction staking, material testing, inspection and administration related to the PROJECT.
 4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.
- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

N. Brent Wooten, President

ATTEST:

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared per Attachment No. 1.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I – PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Storm Water Pollution Prevention. On projects that disturb one acre or more, the ENGINEER will prepare a storm water pollution prevention plan, prepare the necessary permit application(s) and include any provisions or requirements in the project plans and special provisions. The storm water pollution prevention plan shall also include submittal of a NOI prior to bidding; site-specific erosion control plan; and standard BMP detail sheets per Attachment No. 1.
3. Soils and Foundation Investigations. The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
4. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
5. Drainage Study. When applicable, conduct a detailed study to explore alternative design concepts concerning drainage for the PROJECT. Present the findings in writing identifying recommendations to the CITY, including preliminary cost estimates, prior to development of final check plans. Such written findings and recommendations must be in a format which is self explanatory and readily understood by persons with average backgrounds for the technology involved.
6. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT'S plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 6.5, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be submitted per Attachment No. 1. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.
7. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the setting monuments of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.
8. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer,

identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

9. All applicable coordinate control points and related project staking information shall be furnished on a map on the plans, as well on CD-ROM, as a text file, along with the project PDF's. When applicable, this coordinate information will be used by the CITY for construction staking purposes.
10. All shop drawings submitted by the contractor for the PROJECT shall be reviewed and, when acceptable, approved for construction by the ENGINEER for the PROJECT.
11. The ENGINEER shall meet with effected property owners, along with City staff, at a pre-construction Public Information Meeting, as arranged by the City, to explain project design, including such issues as construction phasing and traffic control.
12. The ENGINEER shall complete permanent monumentation of all new R/W, complete and submit all necessary legal documentation for same.
13. Permits. The ENGINEER shall prepare any and all necessary permits for this PROJECT, such as the preparation of applications for U.S. Army Corps of Engineers (404) permits, Division of Water Resources permit, Kansas Department of Wildlife and Parks permit and Kansas Department of Health and Environment permit. Also if requested by the CITY, obtain construction approval from the U.S. Army Corps of Engineers and assist the CITY in coordinating the archaeological review of the PROJECT.
14. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.
 - a. Plan Development for the water improvements by **March 10, 2008**.
(Project No. 448 90417).
 - b. Plan Development for the water improvements by **March 10, 2008**.
(Project No. 448 90418).
 - c. Plan Development for the sewer improvements by **March 10, 2008**.
(Project No. 468 83967).
 - d. Plan Development for the paving improvements by **April 14, 2008**.
(Project No. 472 84343).
 - e. Plan Development for the paving improvements by **April 14, 2008**.
(Project No. 472 84344).

Attachment No. 1 to Exhibit “A” – Scope of Services

Plan Submittal

Water projects plans shall be submitted with (1) set of mylar plans; and a CD of the .dwgs and .pdfs. This includes projects that have the water plans incorporated into that project, for which the cover sheet should also be included.

Storm Sewer, Sanitary Sewer and Paving plans shall be submitted in a .dwg and .pdf format on a CD.

Paper plan submittals for KDOT projects (i.e. Field Check, ULCC, Final Check, etc.) will not change and the cover sheet mylar will be required for all projects for signature purposes. Projects that have water lines incorporated into the project are required to have those pages in a mylar format. The complete project must be submitted in a scalable .pdf format.

In addition, two (2) sets of 11”x17” plans will be submitted at the time of final .pdf submittal for ALL projects, regardless of the type.

Storm Water Pollution Prevention

For any project disturbing one acre of ground or more, the design Consultant must prepare a Notice of Intent and a Storm Water Pollution Prevention Plan and submit them to the KDHE for approval. Complete copies of the approved NOI and SWP3 must be provided to the City, prior to bidding. One hard copy should be provided to the project engineer upon approval, one electronic copy should be included with your transmittal of PDF plan files, and one additional electronic copy should be sent to the attention of Mark Hall at the following address:

City of Wichita
Environmental Services
1900 E. 9th St. North
Wichita, KS 67214

THIS INCLUDES **ALL** PROJECTS DISTURBING ONE ACRE OR MORE – I.E. NEW DEVELOPMENT, ARTERIAL STREETS, DIRT STREETS, BIKE PATHS, SEWER MAINS, ETC.

The City of Wichita will, under no circumstance, bid any project without first receiving copies of the KDHE approved NOI and SWP3.

The design of all City of Wichita construction projects must include the development of a site-specific erosion control plan. The site-specific erosion control plan must be included in the project plans. Every component and requirement of the erosion control plan must be separately and accurately accounted as a measured quantity bid item in the engineer’s estimate.

Please note that careful consideration must be given to the transition of BMP maintenance responsibilities throughout the course of multi-phased projects. All intended responsibilities must be clearly demonstrated by the bid items. For example, if it is intended that the contractor of a subsequent waterline project be responsible for the maintenance of silt fence installed with a preceding sanitary sewer project, a measured quantity bid item must be submitted for x-lf of silt fence maintenance.

The City’s current BMP standard detail sheets shall be included in all plans. These five sheets must be included in every plan set developed for the City of Wichita, regardless of project size.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Change Order: Street Paving in Auburn Hills 16th Addition (south of Maple, east of 151st St. West) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

.....

Recommendation: Approve the Change Order.

Background: On July 18, 2006, the City Council approved a construction contract with Kansas Paving, Inc. for street paving in Auburn Hills 16th Addition. Storm water runoff from the street drains into and fills an adjacent detention pond. Because of the time duration from the construction of the pond until the paving of the street, the pond banks have eroded and the pond is leaking. The developer has requested that the pond be sealed with a clay liner and that stone rip rap be added to the banks.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$33,241 with the total paid by Special Assessments. The original contract amount is \$696,938. This Change Order plus a previous change order represents 4.93% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing drainage improvements for new development.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order.



PUBLIC WORKS-ENGINEERING

November 5, 2007
CHANGE ORDER

To: Conspec, Inc. d/b/a Kansas Paving, Inc.
Change Order No.: 2
Purchase Order No.: 600966
CHARGE TO OCA No.: 765999

Project: Fawnwood – Auburn Hills 16th
Project No.: 472-84291
OCA No.: 765999
PPN: 490116

Please perform the following extra work at a cost not to exceed \$33,241.00

Per the Developer's request, repair ponds and complete additional work to prevent future washouts. See attached.

Budget Amount: \$974,000.00	Original Contract Amt.: \$696,938.25
Consultant: Baughman	Current CO Amt.: \$33,241.00
*Total Expenditures &	Amt. of Previous CO's: \$1,150.00
Encumbrances to Date: \$786,997.96	Total of All CO's: \$34,391.00
Unencumbered Balance: \$153,761.04	% of Orig. Contract / 25% Max.: 4.93%
	*Adjusted Contract Amt.: \$731,329.25
*INCLUDES CHANGE ORDER(S)	

Recommended By:

Larry Schaller, P.E.
Construction Engineer

Date

Approved:

Jim Armour, P.E.
City Engineer

Date

Approved:

Contractor

Date

Approved:

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

Gary Rebenstorf
Director of Law

Date

By Order of the City Council:

Carl Brewer
Mayor

Date

Attest: _____
City Clerk

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Change Order: MacArthur Improvement, between Meridian and Seneca
(District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

.....

Recommendation: Approve the Change Order.

Background: On December 11, 2007, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve MacArthur, between Meridian and Seneca. After the work began, it was determined that temporary traffic signals are needed at the intersection of MacArthur and Meridian, to improve traffic flow thru construction. Permanent signals will be installed with the project.

Analysis: A Change Order has been prepared for the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$27,071 with \$5,411 paid by City General Obligation bonds and \$21,660 paid by Federal grants. The original contract amount is \$3,576,003. This Change Order represents 00.76% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic capacity and safety along a major transportation corridor.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order.



PUBLIC WORKS-ENGINEERING

January 17, 2008
CHANGE ORDER

To: Cornejo & Sons, Inc.

Project: MacArthur Road from Meridian Avenue to Seneca Street

Change Order No.: 1

Project No.: 87N-0347-01 / 472-84580

Purchase Order No.: 701449

OCA No.: 706966 / 636192

CHARGE TO OCA No.: 706966

PPN: 207432 / 777583

Please perform the following extra work at a cost not to exceed \$27,071.00

Contractor will install temporary traffic signals at the intersection of MacArthur and Meridian during construction. Due to height of existing Westar lines, contractor must set poles on each corner rather than the typical diagonal span.

ADD

Temporary signals 1.0 LS @ 27,071.00 = 27,071.00

CIP Budget Amount: \$5,520,000.00 (706966)
\$ 80,000.00 (636192)

Original Contract Amt.: \$3,576,003.30

Consultant: Baughman

Current CO Amt.: \$27,071.00

Total Exp. & Encum. To Date: \$3,533,460.86 (706966)

Amt. of Previous CO's: \$0.00

CO Amount: \$27,071.00

Total of All CO's: \$27,071.00

Unencum. Bal. After CO: \$1,959,468.14 (706966)

% of Orig. Contract / 25% Max.: 0.76%

Adjusted Contract Amt.: \$3,603,074.30

Recommended By:

Approved:

Larry Schaller, P.E.
Construction Engineer

Date

Jim Armour, P.E.
City Engineer

Date

Approved:

Approved:

Contractor

Date

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

By Order of the City Council:

Gary Rebenstorf
Director of Law

Date

Carl Brewer
Mayor

Date

Approved:

Attest:

Benny P. Tarverdi
KDOT Metro Engineer

Date

City Clerk

CITY OF WICHITA
City Council Meeting
March 4, 2008

TO: Mayor and City Council Members

SUBJECT: Acquisition of Land at 4900 North Hoover for the Site of the Upper Arkansas River Sewage Treatment Plant (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On April 26, 2005 the City Council approved the acquisition of a 20 acre site located on the east side of Hoover Road at approximately 4900 North Hoover as the future site for a north central sewage treatment plant. The site is part of the approximately 460-acre “Kingsbury Tract” owned by the City of Wichita. Kingsbury is currently leased for sand production. Ultimately, the site will be utilized for open space.

Analysis: The acquisition tract will not impact the sand production lease. The tract has been accounted for in scenarios for the future development of the site. Kingsbury is owned within the general fund. Water Utilities is a self-funded enterprise fund. Therefore, Water Utilities needs to pay the general fund for the land to be transferred. At the time of the original approval in 2005 the value of the tract was estimated at \$5,000 per acre. The area has seen significant development along with increased land values since the original approval. The value of the land is currently estimated at \$10,000 per acre. Based on this amount, \$200,000 will be transferred from Water Utilities to the general fund to affect this transfer.

Financial Considerations: Funds have been budgeted in the Capital Improvement Program (CIP S-522, Plant Siting Study and Land Acquisition) for this transaction. The funding source will be Water Utility revenues and reserves. A budget of \$202,000 is requested. This includes \$200,000 for acquisition, and \$2,000 for closing costs and title insurance.

Goal Impact: This acquisition address the goal of ensuring efficient infrastructure by providing reliable sewer service to the Water Utility customers.

Legal Considerations: The Law Department has approved the deed as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; and 2) Authorize the necessary signatures.

Attachments: Aerial map and deed.



SCALE: 1" = 200'

EXHIBIT

**KINGSBURY
TREATMENT PLANT
NORTH HOOVER ROAD**



Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

KANSAS WARRANTY DEED

Grantor(s): **The City of Wichita, a Municipal Corporation**
455 N Main, Wichita, KS 67202

CONVEYS AND WARRANTS TO

Grantee: **The City of Wichita, a Municipal Corporation**
455 N Main, Wichita, KS 67202

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) GRANT, BARGAIN, SELL AND CONVEY to Grantee(s), the following described premises, to wit:

The west 1,480 feet of the north 628 feet of the Southwest $\frac{1}{4}$ of Section 23, Township 26 South, Range 1 West of the 6th PM, Wichita, Sedgwick County, Kansas.

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), their heirs, successors and assigns, will WARRANT AND DEFEND the title to the premises unto the Grantee(s), their successors and assigns against the lawful claims of all persons whomsoever, excepting however general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.

Dated: _____

City of Wichita:

Carl Brewer, Mayor

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

This instrument was acknowledged, before me this _____ day of _____ 2008, by Carl
Brewer, Mayor of the City of Wichita, Kansas

Notary Public
My appointment expires: _____



DEPARTMENT OF LAW
INTEROFFICE MEMORANDUM

TO: Karen Sublett, City Clerk
FROM: Gary E. Rebenstorf, Director of Law
SUBJECT: Report on Claims for February, 2008
DATE: March 3, 2008

The following claims were approved by the Law Department during the month of February, 2008:

AT&T	2,085.40
Kerry Beals	275.00
John Caporale	59.00
Ora Ellis	250.00
Theron Froggatte	201.00
Steve Hurst	837.63
Daniel Hysten	246.80
Ashley Littlejohn	147.86
Zachary Museousky	42,797.00**
Felisha Nesankluah	171.00
Wilhelmina Powell	2,629.40
James Simmerman	3,281.26
Shannon Wingert	246.00

**Settled for lesser amount than claimed

cc: Ed Flentje, Interim City Manager
Kelly Carpenter, Director of Finance

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: Parking Lots, Signage and Entry Drives (All Districts)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution.

Background: The 2007 Park Capital Improvement Program (CIP) funding for park signs and the paving and reconstruction of Westside Athletic Field parking lots and entry drives was approved by City Council on December 19, 2006.

Analysis: Beginning in 2007, the CIP project resolutions with multiple sites were bonded at the site improvement level. However, during the Request for Proposal process, the original resolutions did not allow for improvements (bids) that may exceed the individual bonded amount, but not the total CIP project amount. When the bid exceeds the bonded amount, staff is then required to amend the project for each occurrence. In an effort to curtail rework for Council and staff, the CIP project will continue to be tracked at the site improvement level, to insure compliance, but bonded at the project level.

The bonding resolutions for the 2007 Park CIP for park signs and the paving/reconstruction of parking lots or entry drives were drafted and approved as follows: \$250,000 for signage and \$200,000 for Westside Athletic Field parking lot and entry drive improvements. The attached resolution rescinds the individual resolutions and replaces it with a bonding resolution for the total project amount of \$450,000.

Financial Considerations: The 2007 Park CIP includes \$450,000 for parking lots and entry drive improvements. The funding source is general obligation bonds.

Goal Impact: New park signs and reconstruction or paving of parking lots in parks will improve the quality of parks and help to increase and sustain neighborhood vibrancy and community satisfaction.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council approve the bonding resolution and authorize all necessary signatures.

Attachments: Bonding Resolution

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR PARK SIGNS AND THE PAVING AND RECONSTRUCTION OF PARKING LOTS OR ENTRY DRIVES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

Labor, Material, and Equipment for general improvements to Westside Athletic Field, including the repair, paving and reconstruction of entry drives and parking lots at the West Side Athletic Field; and for the development and purchase of new signage for the park system to include the new City logo and additional park information where appropriate.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$450,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

SECTION 5: That this resolution shall repeal and replace Resolution numbers 06-681 through 06-682 adopted on December 19, 2006.

ADOPTED at Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR SWIMMING POOL RENOVATION AND IMPROVEMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

Labor, Material, and Equipment for the Interior bathhouse renovations at Harvest pool, waterslide at Aley pool, diving stand replacement at Boston and Linwood pools, diaper changing stations at all pools. Chemical controllers will be updated at Aley, Evergreen, Linwood, McAdams, Minisa and Orchard pools.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$100,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

SECTION 5: That this resolution shall repeal and replace Resolution numbers 06-684 through 06-694 adopted on December 19, 2006.

ADOPTED at Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: Swimming Pool Improvements (Districts I, II, IV, V, & VI)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution.

Background: The 2007 Park Capital Improvement Program (CIP) funding for improvements to various swimming pools across the city was approved by City Council on December 19, 2006. The following sites and improvements were identified for the 2007 swimming pool improvement projects: Interior bathhouse renovations at Harvest pool, waterslide at Aley pool, diving stand replacement at Boston and Linwood pools, and diaper changing stations at all pools. Chemical controllers will be updated at Aley, Evergreen, Linwood, McAdams, Minisa and Orchard pools.

Analysis: Beginning in 2007, the CIP project resolutions for with multiple sites were bonded at the site improvement level. However, during the Request for Proposal process, the original resolutions did not allow for improvements (bids) that may exceed the individual bonded amount but not the total CIP project amount. When the bid exceeds the bonded amount, staff is then required to amend the project for each occurrence. In an effort to curtail rework for Council and staff, the CIP project will continue to be tracked at the site improvement level, to insure compliance, but bonded at the project level.

The bonding resolutions for the 2007 Park CIP for swimming pool improvements were drafted and approved as follows: \$15,000 for Harvest Bathhouse; \$10,000 for Aley Pool Waterslide; \$24,000 for Boston Pool Diving Standards; \$14,000 for Linwood Diving Standards; \$28,000 for Swimming Pool improvement-Misc.; \$1,500 for Aley Chemical Controllers; \$1,500 for Evergreen Chemical Controllers; \$1,500 for Linwood Chemical Controllers; \$1,500 for McAdams Chemical Controllers; \$1,500 for Minisa Chemical Controllers; and \$1,500 for Orchard Chemical Controllers. The attached resolution rescinds the individual resolutions and replaces it with a bonding resolution for the total project amount of \$100,000.

Financial Considerations: The 2007 Park CIP includes \$100,000 for swimming pool improvements. The funding source is general obligation bonds.

Goal Impact: The improved pools and mechanical systems will provide on-going family recreational aquatic activities, swimming lessons and competitive swim opportunities for Wichita citizens and visitors to enjoy.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council approve the bonding resolution and authorize all necessary signatures.

Attachments: Bonding Resolution

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: Irrigation Systems Replacement and Upgrade (Districts I, II, & III.)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution.

Background: The 2007 Park Capital Improvement Program (CIP) funding for irrigation system renovation and replacement at various locations was approved by City Council on February 6, 2007. The following sites were identified for irrigation system renovation and replacement for the softball, baseball, football, and soccer fields located at South Linwood Park, Stryker Soccer Complex, and Planeview Park.

Analysis: Beginning in 2007, the CIP project resolutions with multiple sites were bonded at the site improvement level. However, during the Request for Proposal process, the original resolutions did not allow for improvements (bids) that may exceed the individual bonded amount but not the total CIP project amount. When the bid exceeds the bonded amount, staff is then required to amend the project for each occurrence. In an effort to curtail rework for Council and staff, the CIP project will continue to be tracked at the site improvement level, to insure compliance, but bonded at the project level.

The bonding resolutions for the 2007 Park CIP for irrigation system renovation and replacement was drafted and approved as follows: \$70,000 for South Linwood Park; \$10,000 for Stryker Soccer Complex; and \$120,000 for Planeview Park. The attached resolution rescinds the individual resolutions and replaces it with a bonding resolution for the total project amount of \$200,000.

Financial Considerations: The 2007 Park CIP includes \$200,000 for funding for irrigation system renovation and replacement. The funding source is general obligation bonds.

Goal Impact: The investment in irrigation systems on athletic fields will help to ensure quality turfgrass and safe playing surfaces. This relates directly to satisfying citizens with recreational opportunities for quality of life as players and teams receive a positive return for their fees.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council approve the bonding resolution and authorize all necessary signatures.

Attachments: Bonding Resolution

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR IRRIGATION SYSTEM RENOVATION AND REPLACEMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

The labor, material, and equipment for irrigation system renovation and replacement for the softball, baseball, football, and soccer fields at South Linwood Park, Stryker Soccer Complex and Planeview Park.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$200,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

SECTION 5: That this resolution shall repeal and replace Resolution numbers 07-042 through 07-044 adopted on February 6, 2007.

ADOPTED at Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

Neighborhood Networks Center

The Neighborhood Networks Center at Atwater Neighborhood City Hall will provide an expanded computer center to help area residents access important information and resources available through the internet. The target audience will be public housing residents who live in the immediate area (approximately two-thirds of the single family public housing inventory is in District 1). It will also be available for other public housing residents.

The need for an expanded center has been demonstrated in the heavy usage of the Atwater Center's current computer inventory of seven.

The grant funds will be used to secure additional 21 computers and related services. It is anticipated that one or more public housing residents will be offered employment at the center.

The grant application requires a match which will be achieved through in-kind donation of space at the Atwater Neighborhood City Hall (\$15,000) and the staff time that will be devoted to management of the center (\$10,000).

The center will be located in Learning Center 1 at the Atwater Center and will complement the efforts of the Community Education component of the center.

Specific budget information to be included in the application is listed below:

Equipment: \$124,554 (computers, printers, installation, security cameras, projector, screen, monthly maintenance)

Salaries: \$88,080 (Public Housing residents and instructors)

Other: \$83,380 (office supplies, telephone, software, marketing, printing)

Total: \$296,014

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known:			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only:					Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision	
3. Date Received: 4. Applicant Identifier:		
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
*a. Legal Name: City of Wichita Housing Authority		
*b. Employer/Taxpayer Identification Number (EIN/TIN): 48-6000653		*c. Organizational DUNS: 043063460
d. Address:		
*Street 1: <u>332 N. Riverview</u> Street 2: _____ *City: <u>Wichita</u> County: <u>Sedgwick</u> *State: <u>Kansas</u> Province: _____ *Country: <u>United States</u> *Zip / Postal Code <u>67203</u>		
e. Organizational Unit:		
Department Name: Housing and Community Services		Division Name: Public Housing
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <u>Mr.</u> *First Name: <u>Tom</u> Middle Name: <u>D</u> *Last Name: <u>Byler</u> Suffix: _____		
Title: Housing Manager		
Organizational Affiliation: Public Housing		
*Telephone Number: 316-462-3768		Fax Number: 316-462-3719
*Email: <u>tbyler@wichita.gov</u>		

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

L. Public/Indian Housing Authority

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.875

CFDA Title:

Public Housing Neighborhood Networks Grants

***12 Funding Opportunity Number:**

FR-5149-N-01

*Title:

Public Housing Neighborhood Networks

13. Competition Identification Number:

MN-01-Pureedge-Format

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Wichita, Kansas

***15. Descriptive Title of Applicant's Project:**

Atwater Computer Learning Center

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: 4th

*b. Program/Project: 4th

17. Proposed Project:

*a. Start Date: 6/1/2008

*b. End Date: 5/31/2011

18. Estimated Funding (\$):

*a. Federal	_____	\$300,000
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$300,000

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. _____ *First Name: Carl _____

Middle Name: _____

*Last Name: Brewer _____

Suffix: _____

*Title: Mayor and Chairman of the Wichita Housing Authority Board

*Telephone Number: 316-268-4333

Fax Number: 316-268-4333

* Email: cbrewer@wichita.gov

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> • Preapplication • Application • Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	10.	Name Of Federal Agency: (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> • New – An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided. <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify) 	11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.	13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
5a.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any.	14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
5b.	Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.	15.	Descriptive Title of Applicant's Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
6.	Date Received by State: Leave this field blank. This date will be assigned by the State, if applicable.	16.	Congressional Districts Of: (Required) 16a. Enter the applicant's Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina's 103 rd district. <ul style="list-style-type: none"> • If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. • If nationwide, i.e. all districts within all states are affected, enter US-all. • If the program/project is outside the US, enter 00-000.
7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
8.	Applicant Information: Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website. b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444. c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website. d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US). e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the 	18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	assistance activity, if applicable.		State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State																								
	f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.	20.	Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.																								
9.	Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.	21.	Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)																								
	<table border="1"> <tr> <td>A. State Government</td><td>M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)</td></tr> <tr> <td>B. County Government</td><td>N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)</td></tr> <tr> <td>C. City or Township Government</td><td>O. Private Institution of Higher Education</td></tr> <tr> <td>D. Special District Government</td><td>P. Individual</td></tr> <tr> <td>E. Regional Organization</td><td>Q. For-Profit Organization (Other than Small Business)</td></tr> <tr> <td>F. U.S. Territory or Possession</td><td>R. Small Business</td></tr> <tr> <td>G. Independent School District</td><td>S. Hispanic-serving Institution</td></tr> <tr> <td>H. Public/State Controlled Institution of Higher Education</td><td>T. Historically Black Colleges and Universities (HBCUs)</td></tr> <tr> <td>I. Indian/Native American Tribal Government (Federally Recognized)</td><td>U. Tribally Controlled Colleges and Universities (TCCUs)</td></tr> <tr> <td>J. Indian/Native American Tribal Government (Other than Federally Recognized)</td><td>V. Alaska Native and Native Hawaiian Serving Institutions</td></tr> <tr> <td>K. Indian/Native American Tribally Designated Organization</td><td>W. Non-domestic (non-US) Entity</td></tr> <tr> <td>L. Public/Indian Housing Authority</td><td>X. Other (specify)</td></tr> </table>	A. State Government	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)	B. County Government	N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)	C. City or Township Government	O. Private Institution of Higher Education	D. Special District Government	P. Individual	E. Regional Organization	Q. For-Profit Organization (Other than Small Business)	F. U.S. Territory or Possession	R. Small Business	G. Independent School District	S. Hispanic-serving Institution	H. Public/State Controlled Institution of Higher Education	T. Historically Black Colleges and Universities (HBCUs)	I. Indian/Native American Tribal Government (Federally Recognized)	U. Tribally Controlled Colleges and Universities (TCCUs)	J. Indian/Native American Tribal Government (Other than Federally Recognized)	V. Alaska Native and Native Hawaiian Serving Institutions	K. Indian/Native American Tribally Designated Organization	W. Non-domestic (non-US) Entity	L. Public/Indian Housing Authority	X. Other (specify)		
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**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: Neighborhood Networks Grant Application (District I)

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Authorize submission of an application for a Neighborhood Networks Program grant to be implemented at the Atwater Neighborhood City Hall (NCH), and authorize the necessary signatures.

Background: The United States Department of Housing and Urban Development issued a notice of fund availability for housing authorities to expand or create neighborhood network centers. The objective of the center is to improve the economic self-sufficiency for public housing residents. HUD is looking for proposals that involve partnerships with organizations that will supplement and enhance the services offered to residents.

Analysis: Because the Wichita Housing Authority does not operate family public housing developments which have community centers, the Atwater Community Education staff has proposed that a computer center be established at the Atwater NCH to serve the public housing population. As of August 2007 there are 173 single-family public housing units in the proposed area around the Atwater NCH, which is also in the New Communities Initiatives focus area. These single-family housing units house 728 residents 504 of which are under the age of 18. The largest age group living in these units is between the ages of 5 and 13. Eight-seven percent of the 173 families have income that falls below the median household income for the target area and 56% below the poverty level.

The Atwater Computer Learning Center (ACLC) will use 21 computers to assist public housing residents in becoming self-sufficient by providing educational support, computer training, and job search assistance. Its objectives for the area residents will be to help increase high school graduation rate, improve academic achievement, help develop computer skills, and provide opportunities to find employment. The center will also make access to the Internet available to participants which will address the disproportionate rate of poor families who have such access. These goals will be accomplished through the use of staff, volunteers and partnering organizations who will offer assistance in supervising the center, instructing the classes and conducting workshops, in addition to providing services and resources for participants.

Both Wichita State University and Butler County Community College have submitted support letters pledging to assist ACLC participants with their goal of a college education by providing their expertise. Staff will assist participants with submitting admission forms and applying for financial aid for university or community college admissions.

The application is due no later than March 14, 2008.

Financial Considerations: The application request is for \$300,000 used over a 3-year period, which will require a 25% match (\$75,000). The match requirement will be met by calculating the value of the space used by the Atwater computer-learning center (ACLC) at \$15,000/year and the Atwater staff salary at \$10,000/year. A sustainability plan will be submitted with the application, which includes applications for grants and solicitations for corporate sponsorship.

Goal Impact: This will impact the Economic Vitality and Affordable Living goal.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the City Council authorize submission of an application for a Neighborhood Networks Program grant to be implemented at the Atwater Neighborhood City Hall (NCH), and authorize the necessary signatures.

Attachments: Application summary and federal forms.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: Childcare Licensing Grant Application (All Districts)

INITIATED BY: Department of Environmental Services

AGENDA: Consent

Recommendation: Authorize the grant application.

Background: The Environmental Services Department conducts inspections of childcare facilities and provides education for childcare providers within Sedgwick County on behalf of the Kansas Department of Health and Environment. KDHE provides an annual grant to fund these activities, and has solicited Environmental Service's application for state fiscal year 2009 (July 1, 2008 through June 30, 2009.)

Analysis: The City has conducted childcare licensing and education services for in excess of thirty years, providing a local point of contact for citizens and providers. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Services staff members enforce state regulations and utilize state enforcement mechanisms, as appropriate.

Goal Impact: This action furthers the Council's "Provide a Safe and Secure Community" goal via inspections and regulation of childcare facilities.

Financial Considerations: The grant request for state fiscal year 2009 totals \$312,367. The 2008 Adopted budget includes two positions and related costs in support of this program. These General Fund costs, estimated to be up to \$201,000 are offset by an estimated \$128,000 in program fees. State funding and locally generated fees are projected to offset 86% of the total program cost of \$513,239. KDHE will determine the grant award amount and notify the City of Wichita.

Legal Considerations: The grant agreement will be reviewed by the Department of Law upon receipt, for approval as to form, and submitted to the Council for acceptance.

Recommendations/Actions: It is recommended the City Council approve the grant application, the grant award, if applicable, and authorize the necessary signatures.

Attachments: KDHE Grant Application

State of Kansas
Department of Health & Environment
Office of Local & Rural Health
Curtis State Office Building, Suite 340
Topeka, KS 66612-1365
(785) 296-0425

Form #1

To be completed by State Office
Date Received:

Grant Period: July 1, 2008 - June 30, 2009

APPLICATION FOR GRANT

City of Wichita - Environmental Services
Applicant (Name of Agency)

1900 E. 9th St.
Street Address/Courthouse

Wichita 67214
City Zip Code

D. Kay Johnson
Name of Director

1-316-268-8351
Telephone: Area Code-Number

Lisa Hilyard
Fiscal Officer

1-316-268-8351
Telephone: if different from Applicant Agency

City
Type of Organization - (County, City-County,
Voluntary, Multi-County, Non-Profit)

48-6000653
FEIN #

Sedgwick County Kansas
Where will program be conducted?

Comments:

Application Checklist:

___ 2008 Health Department approved budget
___ 2008 Local Tax Revenue Amt: \$ 4,043,760.00
___ SFY 2009 Program Objectives
___ SFY 2009 Detailed Budget(s)
___ SFY 2009 Personnel Allocation by Program

GRANT FUNDS REQUESTED

State Formula (#1)	\$ _____
Chronic Disease Risk Re. (#2)	\$ _____
Family Planning (#5)	\$ _____
Com-Based Teen Preg Prev Proj (#8)	\$ _____
SN-PHN Collaborative Practice (#9)	\$ _____
AIDS HERR (#13)	\$ _____
AIDS Counseling & Testing (#14)	\$ _____
AIDS/STD Dis Int/Prev Serv (#15)	\$ _____
STD Dis Int / Prev (#16)	\$ _____
Maternal & Child Health (#17)	\$ _____
Child Care Licensing & Reg (#18)	\$312,367
Comm Based Primary Care (#27)	\$ _____
Prescription assistance to clinics (#27)	\$ _____
Dental assistance to clinics (#27)	\$ _____
Teen Pregnancy Case Mangt (#32)	\$ _____
Immunization Action Plan (#34)	\$ _____
WIC / IAP Collaborative (#35)	\$ _____

Other (Specify)

_____ \$ _____
_____ \$ _____

TOTAL FUNDS REQUESTED \$312,367

President/Chairman Local Board of Health or
Board of Directors

Administrator/Director

Date _____

121 Date _____

PROGRAM REQUEST FORMAPPLICANT AGENCY: City of Wichita – Environmental Services

PROGRAM TITLE: Child Care Licensure Program

Instructions: Use this form for each program your agency is applying for. Refer to Section 3 (Specific Program Information) for each type of categorical fund. Copy and use multiple pages if needed, and attach additional information as requested. Note (CDRR/Enhancement applications use Form #7)

TERM: July 1, 2008 through June 30, 2009

Program objectives to be met:

1. Reduce health and safety risks to all children in out-of-home care.
2. Increase public awareness in regards to the need or quality childcare.
3. Improve timeliness with the contract.
4. Collaborate with other local agencies and organizations to coordinate childcare services.
5. Work with KDHE to develop and implement regulations, policies, and procedures.

Request for Funds: \$ 312,367

Comments:

Detailed Budget for Grant Funds
SFY 2009 July 1, 2008 - June 30, 2009

1. LOCAL AGENCY City of Wichita- Environmental Services
2. PROGRAM: Child Care Licensure Program

**Formulas are set to round numbers
to the nearest dollar.**

	Annual Salary for Grant Period	% of Time Worked	Local Applicant's Share	Requested from Grant	TOTAL
3. Personnel (Name and Position of employee)					
Moore, Starr CHN II Surveyor	65,075	100%		65,075	65,075
Smith, Dianna CHN I Surveyor	41,357	100%		41,357	41,357
Turner, Deana Counselor I Surveyor	41,357	100%		41,357	41,357
Vacant FT Counselor I Surveyor	41,357	100%		41,357	41,357
Vacant PT CHN I Surveyor	20,679	100%		20,679	20,679
Jensen, Nancy CHN III Supervisor	58,933	100%	58,933		58,933
Carbajal, Carmen CHN I Surveyor	57,431	100%	57,431		57,431
FICA (7.65%)	24,826		8,824	16,002	24,826
Retirement & Benefits()	86,926		31,150	57,872	89,022
Category Total			156,338	283,700	440,038
4. Travel					
Meals and Lodging				1,000	1,000
Registration Fees				1,000	1,000
Transportation				1,500	1,500
Category Total				3,500	3,500
5. Supplies					
Office Supplies- Photo, Equip				1,000	1,000
Photographic Supplies				800	800
Other non-cap equipment				1,000	1,000
Other commodities				2,500	2,500
Training Equipment				700	700
Category Total				6,000	6,000
6. Capital Equipment (ITEMIZE)					
Category Total					
7. Other (ITEMIZE)					
Phones, lines, VM			3,180		3,180
Long Distance				100	100
Data Center			16,584		16,584
Motorpool			24,770		24,770
Postage				800	800
Certification fees				500	500
Membership fees				300	300
Printing/photocopying				5,000	5,000
City Administrative Charge				12,467	12,467
Category Total			44,534	19,167	63,701
GRAND TOTAL			200,872	312,367	513,239

KDHE USE ONLY: _____
AUDITED BY: _____

[illegible]

* Annual salary or hourly rate x no. of hours to worked during year
***Total must not exceed 100%

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR DESIGN AND CONSTRUCTION OF DISTRICT GATEWAYS, STREETSCAPING AND LANDSCAPING ENHANCEMENTS ON 21ST STREET NORTH BETWEEN I-135 AND HILLSIDE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

Design and construction of district gateways, streetscaping and landscaping enhancements on 21st Street North between I-135 and Hillside, including high level and pedestrian level street lighting fixtures and banners, benches and trash receptacles, trees at regular intervals along the 21st Street right of way, vertical district gateway elements near the intersections of 21st Street North with Minneapolis and Hillside, and special landscape treatments, including focused landscape materials and hardscape materials near the district gateways and at core retail, commercial or institutional intersections.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$200,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 4th day of March, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

X

To Revise Project

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department MAPD	2. Initiating Division ADVANCED PLANS	3. Date 1/15/2008	4. Project Description & Location Design and construction of district gateways, streetscaping and landscaping enhancements on 21st Street North between I-135 and Hillside													
5. CIP Project Number	6. Accounting Number PROJ. # OCA #	7. CIP Project Date (Year) 2008 - 2009	8. Approved by WCC Date													
9. Estimated Start Date 2008	10. Estimated Completion Date 2009	11. Project Revised														
12. Project Cost Estimate				12A.												
ITEM	GO	SA	OTHER	TOTAL												
CONSTRUCTION																
Paving, grading & const.																
Bridge & Culverts																
Drainage																
Sanitary Sewer																
Sidewalk																
Water																
Other Consulting	200,000.00			200,000.00												
Totals																
Total CIP Amount Budgeted	200,000.00			200,000.00												
Total Prelim. Estimate																
<table border="0"> <tr> <td>Platting Required</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Lot Split</td> <td></td> <td></td> </tr> <tr> <td>Petition</td> <td></td> <td></td> </tr> <tr> <td>Ordered by WCC</td> <td>X</td> <td></td> </tr> </table>					Platting Required	Yes	No	Lot Split			Petition			Ordered by WCC	X	
Platting Required	Yes	No														
Lot Split																
Petition																
Ordered by WCC	X															
Remarks: These improvements are consistent with implementation actions identified in the <i>21st Street North Corridor Revitalization Plan</i> . These improvements are intended to create a unique identity as part of the East End Multicultural District. Improvements include street lighting, benches, street trees, district gateways, landscaping and hardscaping treatments.																
13. Recommendation: APPROVE THE ORDINANCE																
Division Head	Department Head		Budget Officer	City Manager												
			Date	Date												

Agenda Item No. 19.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: Resolution: 21st Street North Streetscape, Landscape and District Gateway Improvements (From I-135 to Hillside) (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Consent

Recommendation: Approve the Resolution.

Background: These improvements are identified as implementation action items in the *21st Street North Corridor Revitalization Plan* adopted by City Council in 2005. These streetscape improvements are intended to create a unique and fresh identity/community character as part of the proposed East End Multicultural District. Specifically, these enhancements are described in detail in the Plan (pgs. II-42 & 43) as follows:

- § Street lighting enhancements (high level and pedestrian level light fixtures and banners)
- § Benches and trash receptacles
- § Street trees at regular intervals along the length of the corridor
- § Vertical district gateway elements near each end of the corridor (Hillside and 21st Street; Minneapolis and 21st Street)
- § Special landscape treatments, including focused landscape materials and hardscape materials (e.g. crosswalk paver stone treatments) near the district gateways and at core retail, commercial or institutional intersections.

Analysis: A Resolution has been prepared to provide permanent project financing.

Financial Considerations: Funding for this project (not to exceed \$200,000) is identified in the 2007-2016 Capital Improvement Program. The funding source is general obligation bonds under the authority of City of Wichita Charter Ordinance No. 156.

Goal Impact: The project will address the Core Area and Neighborhoods goal by implementing action items contained in the *21st Street North Corridor Revitalization Plan* intended to promote the revitalization of this segment of the 21st Street North corridor.

Legal Considerations: The Resolution has been approved as to form by the Law Department.

Recommendations/Action: It is recommended that the City Council approve the Resolution and authorize the necessary signatures.

Attachment: CIP sheet and Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF WICHITA, KANSAS, TO CONVEY CERTAIN REAL PROPERTY TO COX COMMUNICATIONS KANSAS, LLC AND PRESCRIBING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Wichita, Kansas (the "City") has previously issued its Industrial Revenue Bonds, Series IV-2002 (the "Bonds"), in the aggregate original principal amount of \$6,645,000, in connection with the acquisition, constructing, and equipping of certain facilities described in Schedule I hereto (the "Project"), being hereinafter referred to as the ("Project"); and

WHEREAS, the Bonds were issued pursuant to Ordinance No. 45-517 passed and approved by the governing body of the City on December 17, 2002 (the "Ordinance"); and

WHEREAS, in connection with the issuance of the Bonds, the City, as lessor, and Cox Communications Kansas, LLC, a Delaware limited liability company as lessee (the "Tenant"), entered into a Lease Agreement dated as of November 1, 2002 (the "Lease"); and

WHEREAS, all of the outstanding Bonds have been paid as of February 1, 2008 pursuant to terms of the Ordinance; and

WHEREAS, concurrently upon payment in full of all of the Bonds, Tenant has requested that the City convey title to the Project to Tenant following such payment and the payment of the sum of \$1000, and all other payments required by Sections 16.1 and 16.2 of the Lease dated November 1, 2002; and

WHEREAS, the City desires to convey said Project to the Tenant upon satisfaction of the conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Approval of Conveyance. The conveyance by the City of the real and personal property described in Schedule I attached hereto and incorporated herein by reference (with such technical changes in such description as may be necessary to correct or update it) is hereby approved, upon the terms and conditions set forth herein.

Section 2. Authorization of Documents. The City hereby authorizes and approves the Termination of Lease Agreement, attached hereto as Exhibit A, and the Bill of Sale, attached hereto as Exhibit B, and the Special Warranty Deed attached hereto as Exhibit C, in substantially the forms presented to and reviewed by the governing body of the City at this meeting and attached to this Resolution (copies of which documents shall be filed in the records of the City), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof.

Section 3. Execution of Documents. The Mayor is hereby authorized and directed to execute the Special Warranty Deed, the Termination of Lease Agreement, and the Bill of Sale, and the City Clerk or Deputy City Clerk is hereby authorized and directed to attest to such documents, for and on behalf of the City; provided, however, that delivery of such documents is subject to the terms and conditions contained in Section 4 below.

Section 4. Delivery of Documents. Concurrently with the final payment of all outstanding Bonds, or thereafter the Mayor, City Clerk is hereby authorized and directed to deliver the Special Warranty Deed, the Termination of Lease Agreement, and the Bill of Sale, conditioned upon the tenant having made payment of (i) any fees due the Paying Agent; (ii) any other payments required by Sections 16.1 and 16.2 of the Lease; and, (iii) \$1000, as required by the Lease.

Section 5. Further Authority. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates as may be necessary to transfer the Project, terminate all interest of the City in the Project and carry out the intent of this Resolution.

ADOPTED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2008.

CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to Form:

Gary E. Rebenstorf, Director of Law

COX COMMUNICATIONS KANSAS, LLC

SCHEDULE I

SCHEDULE I TO THE TRUST INDENTURE OF THE CITY OF WICHITA, KANSAS, AND THE BANK OF NEW YORK TRUST COMPANY, N.A., ST. LOUIS, MISSOURI, AS TRUSTEE, DATED AS OF NOVEMBER 1, 2002 AND TO THE LEASE DATED AS OF NOVEMBER 1, 2002 BY AND BETWEEN SAID CITY AND COX COMMUNICATIONS KANSAS, LLC

PROPERTY SUBJECT TO LEASE

THE LAND

- (a) The following described real property located in Sedgwick County, Kansas, to wit:
Lots 13, 14, and 15, all located in the Comotara Industrial Park, 4th Addition,
Wichita, Sedgwick County, Kansas.
- (b) All buildings, improvements, fixtures, machinery, equipment, and furnishings now or hereafter purchased, constructed, located, or installed on the Land and paid for with 2002 Bond Proceeds pursuant to said Lease, constituting the “Improvements” as referred to in said Lease and said Indenture, and more specifically described as follows:

The Improvements consist of purchasing, constructing, and equipping a 35,000 square foot one-story building. This building will be used as a call center facility that accommodates approximately 250 employees.

the property described in paragraphs (a) and (b) of this Schedule I together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 10.1 and 11.1 of the Lease, constitute the “Project” as referred to in both Lease and the Indenture.

EXHIBIT C
SPECIAL WARRANTY DEED

THIS INDENTURE, made on _____ by and between the City of Wichita, Kansas, a municipal corporation duly organized and existing under the laws of the State of Kansas and located in Sedgwick County, Kansas (the "Grantor"), and Cox Communications Kansas, LLC, a Delaware limited liability company (the "Grantee").

WITNESSETH: That Grantor, in consideration of the sum of One Thousand Dollars (\$1000) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, sell and convey to Grantee, its successors and assigns, all of Grantor's interest in the real property situated in Sedgwick County, Kansas, and described as Lots 13, 14, and 15, all located in the Comotara Industrial Park, 4th Addition, in the City of Wichita, Sedgwick County, Kansas.

Grantor hereby covenants that its interest as conveyed hereby is conveyed free and clear of all liens and encumbrances except (i) those liens and encumbrances to which title to the described property was subject when conveyed to Grantor; (ii) those liens and encumbrances created by the Grantee or its predecessor or to the creation or suffering of which the Grantee or its predecessor has consented; (iii) those liens and encumbrances resulting from the failure of the Grantee or its predecessor to perform and observe any of the agreements on its part contained in the Lease under which it has heretofore occupied the described property; (iv) the rights of the public in and to any part of the described property lying or being in public roads, streets, alleys or highways; (v) any unpaid taxes or assessments, general or special; (vi) the restriction that no existing building nor any building which is constructed or placed upon the property conveyed hereby, either temporarily or permanently, shall be used for housing the operation of any multi-game casino-style gambling; and (vii) the rights, titles and interests of any party having condemned or who is attempting to condemn title to, or the use for a limited period of, all or any part of the described property; and further covenants that it will warrant and defend the same in the quiet and peaceable possession of Grantee, its successors and assigns, forever, against all persons claiming the same through Grantor.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed the official seal of the City of Wichita, Kansas, for delivery as of the _____ day of _____, 2008.

CITY OF WICHITA, KANSAS

By: _____
Carl Brewer, Mayor

[SEAL]

ATTEST:

Karen Sublett, City Clerk

ACKNOWLEDGMENTS

STATE OF KANSAS)
)SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on _____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Carl Brewer, Mayor, and Karen Sublett, City Clerk, who are personally known to me to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same on behalf of the City of Wichita Kansas, as the free act of such City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Notary Public

My Appointment Expires:

Approved as to Form:

Gary E. Rebenstorf
Director of Law

EXHIBIT B
BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that in consideration of One Thousand Dollar (\$1000) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, City of Wichita, Kansas, a municipal corporation (the "Grantor"), does grant, sell, transfer and deliver unto Cox Communications Kansas, LLC, a Delaware limited liability company (the "Grantee"), all of its interest in the following goods and chattels, viz:

All buildings, improvements, fixtures, machinery, equipment, furnishings and other personal property purchased with the proceeds of the City of Wichita, Kansas, Industrial Revenue Bonds, Series IV, 2002 (Cox Communications Kansas, LLC) and constituting the "Improvements" pursuant to the terms of a certain Lease dated as of November 1, 2002 by and between the Grantor and Grantee (the "Lease").

To have and to hold, all and singular, the said goods and chattels forever. And the said Grantor hereby covenants with the said Grantee that the interest of Grantor conveyed hereby is free from all encumbrances except (i) those liens and encumbrances to which title to the described property was subject when conveyed to the Grantor, (ii) those liens and encumbrances created by the Grantee or to the creation or suffering of which the Grantee has consented; (iii) those liens and encumbrances resulting from the failure of the Grantee to perform and observe any of the agreements on its part contained in the Lease under which it has heretofore leased such property; and (iv) the restriction that no existing building nor any building which is constructed or placed upon the property conveyed hereby, either temporarily or permanently, shall be used for housing the operation of any multi-game, casino-style gambling; and that it will warrant and defend the same against the lawful claims and demands of all persons claiming through the Grantor.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed the official seal of the City of Wichita, Kansas, for delivery as of the ____ day of _____ 2008.

CITY OF WICHITA, KANSAS

Carl Brewer, Mayor

[SEAL]

ATTEST:

Karen Sublett, City Clerk

ACKNOWLEDGMENTS

STATE OF KANSAS)
)SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this _____ day of _____ 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Carl Brewer, Mayor, and Karen Sublett, City Clerk, who are personally known to me to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same on behalf of the City of Wichita, Kansas, as the free act of such City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Notary Public

My Appointment Expires:

Approved as to Form:

Gary E. Rebenstorf
Director of Law

EXHIBIT A
TERMINATION OF LEASE AGREEMENT

This TERMINATION OF LEASE AGREEMENT (the "Agreement") is made by and between the City of Wichita, Kansas, a municipal corporation, of Sedgwick County, Kansas (the "City"), and Cox Communications Kansas, LLC, a Delaware limited liability company (the "Tenant"). Unless a definition is otherwise provided in this Agreement, the capitalized terms used in this Agreement shall have the same meanings ascribed to them in the Lease as defined below.

WITNESSETH

WHEREAS, the City has previously issued its Industrial Revenue Bonds, Series IV, 2002 (the "Bonds"), in the aggregate original principal amount of \$6,645,000, in connection with the acquisition, renovation and equipping of certain facilities hereto (the "Project"), being hereinafter referred to as the "Project"); and

WHEREAS, the Bonds were issued pursuant to Ordinance No. 45-517 passed and approved by the governing body of the City on December 17, 2002 (the "Ordinance"); and

WHEREAS, in connection with the issuance of the Bonds, the City, as lessor (the "Landlord"), and Cox Communications Kansas, LLC as lessee (the "Tenant"), entered into a Lease Agreement dated as of November 1, 2002 (the "Lease"), a notice of which was filed of record at Film 2599, Page 2384 in the records of the Sedgwick County Register of Deeds;

WHEREAS, the Tenant has paid in full, on February 1, 2008, all of the outstanding Bonds pursuant to terms of the Ordinance; and

WHEREAS, concurrently upon the payment in full of all of the Bonds, the Tenant requests that the City convey title to the Project to Tenant following such payment and the payment of the sum of \$1000 and all other payments required by Section 16.1 and 16.2 of the Lease;

NOW, THEREFORE, THE CITY DOES HEREBY STATE AND DECLARE that as of the date of delivery hereof the Lease and the Notice thereof shall terminate and be of no further force and effect. The real property located in Sedgwick County, Kansas, affected by the Lease and this Termination of Lease is described in Schedule I attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties named above have caused this Termination of Lease to be duly executed in their respective names and have caused their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, as of _____.

CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor

[SEAL]

ATTEST:

Karen Sublett, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

On this _____ day of _____, before me, the undersigned, a Notary Public in and for said State, came Carl Brewer and Karen Sublett, to me personally known to be the Mayor and City Clerk, respectively, of the City of Wichita, Kansas, and said Mayor and City Clerk acknowledged that they executed the foregoing instrument in writing as the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

[SEAL]

My Appointment Expires:

Cox Communications Kansas, LLC

By _____

ACKNOWLEDGMENT

[illegible]

On this _____ day of _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, to me personally known, who, being by me duly sworn, did say that they are the partners of Cox Communications Kansas, LLC, a Delaware limited liability company and had signed the foregoing instrument in writing on behalf of said company as the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Notary Public

[SEAL]

My Appointment Expires:

COX COMMUNICATIONS KANSAS, LLC

SCHEDULE I

SCHEDULE I TO THE TRUST INDENTURE OF THE CITY OF WICHITA, KANSAS, AND THE BANK OF NEW YORK TRUST COMPANY, N.A., ST. LOUIS, MISSOURI, AS TRUSTEE, DATED AS OF NOVEMBER 1, 2002 AND TO THE LEASE DATED AS OF NOVEMBER 1, 2002 BY AND BETWEEN SAID CITY AND COX COMMUNICATIONS KANSAS, LLC

PROPERTY SUBJECT TO LEASE

THE LAND

- (a) The following described real property located in Sedgwick County, Kansas, to wit:
Lots 13, 14, and 15, all located in the Comotara Industrial Park, 4th Addition,
Wichita, Sedgwick County, Kansas.
- (b) All buildings, improvements, fixtures, machinery, equipment, and furnishings now or hereafter purchased, constructed, located, or installed on the Land and paid for with 2002 Bond Proceeds pursuant to said Lease, constituting the “Improvements” as referred to in said Lease and said Indenture, and more specifically described as follows:

The Improvements consist of purchasing, constructing, and equipping a 35,000 square foot one-story building. This building will be used as a call center facility that accommodates approximately 250 employees.

the property described in paragraphs (a) and (b) of this Schedule I together with any alterations or additional improvements properly deemed a part of the Project pursuant to and in accordance with the provisions of Sections 10.1 and 11.1 of the Lease, constitute the “Project” as referred to in both Lease and the Indenture.

Agenda Item No. 20.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council
SUBJECT: Purchase Option (Cox Communications Kansas, LLC) (District II)
INITIATED BY: City Manager's Office
AGENDA: Consent

Recommendation: Adopt the Resolution authorizing the reconveyance.

Background: On December 10, 2002, the City Council approved the issuance of \$6,645,000 in Industrial Revenue Bonds, Series IV-2002 for the benefit of Cox Communications Kansas, LLC. Bond proceeds were used for the purpose of acquiring, constructing, and equipping a new 35,000 s.f. single story call center facility, located at 9824 E. 35th Street North, in Wichita. The Bonds are secured, in part, by a Lease Agreement with Cox Communications Kansas LLC, ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The Bonds have matured, and the City received notice from the Tenant of the company's intention to exercise its purchase option.

Analysis: Under the terms of the Lease, upon receipt of written notice, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Series IV-2002 Bonds have been paid in full as of February 1, 2008. Subject to receiving proof that all applicable conditions have been met, it is now appropriate for the City to deliver the instruments needed to deed the bond-financed property back to Cox Communications Kansas LLC and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

Financial Considerations: The purchase price is \$1,000 and other considerations as listed under the purchase option provision of the Lease Agreement. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Goal Impact: Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

Legal Considerations: The City is contractually bound to convey the IRB Project property to the Tenant once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed, Bill of Sale, and Termination of Lease Agreement (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Recommendations/Actions: It is recommended that the City Council adopt the Resolution approving the Special Warranty Deed, the Bill of Sale, and the Termination of Lease Agreement and authorize necessary signatures.

Attachments: Resolution, Special Warranty Deed, Bill of Sale, and Termination of Lease Agreement.



PUBLIC WORKS-BUILDINGS DIVISION

February 1, 2008
CHANGE ORDER

To: Utility Contractors
659 N. Market St.
Wichita, KS 67202

Change Order No.: One (1)
Purchase Order No.:
CHARGE TO OCA No.:

Project: Police EDO Disposal Range Facility

Project No.: N/A
OCA No.: 793008
PPN: 436605

Please perform the following extra work at a cost not to exceed \$339,500.00.00

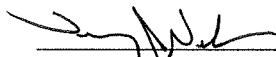
1. Construction of a multiple function building and railroad tie pit structure as per design and specifications.

CIP Budget Amount: \$2,220,741.05
Consultant: Utility Contractors
***Total Expenditures &
Encumbrances to Date:** \$1,853,294.87
Unencumbered Balance: \$349,905.18

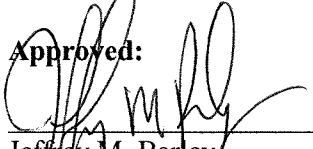
***INCLUDES CHANGE ORDER (S)**

Original Contract Amt.: \$ 476,282.00
Current CO Amt.: \$339,500.00
Amt. of Previous CO's: \$0.00
Total of All CO's: \$339,500.00
% of Orig. Contract / 10% Max: N/A
***Adjusted Contract Amt.:** \$815,782.00


Recommended By:


Terry J. Nelson, Captain
Special Operations Bureau
2-4-08
Date

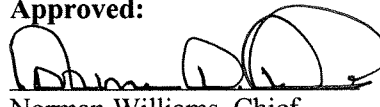
Approved:


Jeffrey M. Barley,
Project Manager
Utility Contractors
2-7-08
Date

Approved:


Terri Moses, Deputy Chief
Operations Bureau
2-4-08
Date

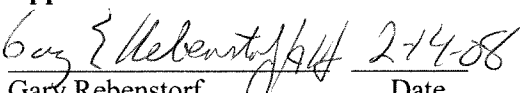
Approved:


Norman Williams, Chief
Police department
2-4-08
Date

Approved:

Carl Brewer
Mayor
Date

Approved As To Form:


Gary Rebenstorf
Director of Law
2-4-08
Date

Attest:

Karen Sublett, CMC
City Clerk



659 N. Market Street - Wichita, Kansas 67201 - P.O. Box 2079 - (316) 265-9506

An Equal Opportunity Employer

January 18, 2008

Captain Terry Nelson
Police Special Operations
City Hall, 5th Floor
Wichita, KS 67202

RE: EOD Disposal Range Facility – Proposed change order #2

Dear Captain Nelson,

First I would like to thank you for allowing Utility Contractors, Inc. ("UCI") the opportunity to work on budgeting and preliminary design for Phase II of the EOD Disposal Range Facility. We are very pleased that the Wichita Police Department ("WPD") was pleased with Phase I of the project and want to work with UCI on Phase II. During our January 11th meeting you ask UCI to provide the WPD and proposed change order for Phase II of the project.

The original contract for Phase I was \$476,282.00.

Proposed change order #1 was not accepted by the WPD.

Proposed change order #2 is for \$339,500.00.

The acceptance of this change order will make the final contract amount \$815,782.00.

The scope of work for Phase II and Proposed Change Order #2 is as follows:

Construction of a multiple function building on the project site that would include a shop/storage area, outside overhang for equipment and material storage, outside emergency shower, men's restroom, women's restroom, mechanical room, and training room. The building will be surrounded with concrete paving. The facility will also provided with water well, propane accessories, and a sanitary lagoon. This facility will be ADA compliant and will fulfill City of Wichita codes and compliance.

Also include will be one railroad tie pit structure constructed in the main pit area of Phase I's construction.


Included in this phase of work would be pipe bollards to block off a dirt pad located outside the main pit area of Phase I.

An asphalt millings pad with pipe bollards will be constructed outside the main pit area of Phase I.

Will you please review these cost and give approval for proposed change order #2. Please let me know if you have any questions or need any additional information. I'm looking forward to hearing from you.

Sincerely,

UTILITY CONTRACTORS, INC.


Jeffrey M. Barley
Project Manager



659 N. Market Street - Wichita, Kansas 67201 - P.O. Box 2079 - (316) 265-9506

An Equal Opportunity Employer

January 18, 2008

Captain Terry Nelson
Police Special Operations
City Hall, 5th Floor
Wichita, KS 67202

RE: EOD Disposal Range Facility – Proposed change order #2

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An asphalt millings pad with pipe bollards will be constructed outside the main pit area of Phase I.

Will you please review these cost and give approval for proposed change order #2. Please let me know if you have any questions or need any additional information. I'm looking forward to hearing from you.

Sincerely,

UTILITY CONTRACTORS, INC.

Jeffrey M. Barley
Project Manager

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and Council Members

SUBJECT: Police Explosives Ordnance Disposal Facility (EOD) (Districts – All)

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On April 4, 2006, City Council authorized the purchase and improvements on a parcel of land in southwest Sedgwick County for use as a police explosives facility.

On June 13, 2006, City Council approved a Design/Build Project for the police explosives facility.

On August 8, 2006, City Council approved a Design/Build contract with Utility Contractors for the development of the explosives ordnance disposal facility.

On November 6, 2007, City Council approved an extension for the Design/Build Project for the explosives ordnance disposal facility.

Analysis: Construction completed as part of Phase I included fencing, explosives storage bunkers, access road to the bunkers and operations areas, electrical, and earthen berms to contain controlled destruct exercises.

Construction under Phase II of this project will include a pre-engineered building containing a shop/storage area, equipment and material storage, outside emergency shower, restrooms, and training room. The building will be provided with a water well, propane accessories, sanitary lagoon, and concrete paving. The facility will be ADA compliant and meet or exceed all code requirements. In addition to the pre-engineered building will be one railroad tie pit structure and asphalt millings pad with pipe bollards.

Under the August 8, 2006, City Council action which approved a contract with Utility Contractors for the development of the EDO Disposal facility a change order was negotiated for the construction of the Phase II development at \$349,905.18.

Financial Considerations: The Adopted 2007 – 2016 Capital Improvement (CIP) Program includes \$350,000 for the completion of this project. (Project #436605, OCA #793008)

Goal Impact: Construction and staffing of the EOD facility will impact the Provide a Safe and Secure Community Goal by providing a safe location for destruction of hazardous devices that would otherwise have to be dealt with in populated areas.

Legal Considerations: The Change Order has been approved as to legal form by the Law Department.

Recommendation/Action: It is recommended the City Council approve the Change Order and authorize the necessary signatures.

Attachment: Change Order

Form **5701**
(Rev. December 1983)

Department of the Treasury - Internal Revenue Service

Notice of Proposed Adjustment

Name of taxpayer
City of Wichita

Issue No.
3

Name and title of person to whom delivered
Brian McLeod

Date
11/7/07

Entity for this proposed adjustment
Same

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$211,170	Clothing Allowances		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items.).

Taxpayer Representative's action

☒ Agreed ☐ Agreed in Part ☐ Disagreed ☐ Have additional information; will submit by:

Case Manager

Date

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Explanation of Items		
Name of Taxpayer		Year/Period Ended
City of Wichita		1/1/04-12/31/04

3. Clothing Allowances

2004
\$211,170

Issue:

Were allowances or reimbursements paid by the City to certain employees for the purchase of clothing includible in the recipients' wages?

Facts:

The City made payments to certain employees, per various Union contracts, as reimbursement for purchase of various clothing and/or uniform items. Unions whose contracts included such a feature included the FOP (clothing allowance), IAFF (clothing allowance), etc. In re: the FOP contract, employees receive vouchers from the department that are submitted to the approved merchant in lieu of cash. Clothing allowances paid out on payroll is for reimbursement of the employee's out of pocket clothing expenses, for items not stocked by the Storekeeper (generally civilian clothing to wear to court, per the City). Employees are given a \$500 per year allowance to maintain their uniform. In re: the IAFF contract, at the close of the fiscal year, payroll pays the contractual amount for clothing allowance to the employee. Fire does not require documentation. Employees are given a \$400 per year allowance to maintain their uniform. Refer to "Attachment-Issue 3" for detail.

Law:

Treasury Regulation 1.62-2(c)(1)—Accountable Plans. Ordinary and necessary business expenses paid or reimbursed by an employer on behalf of an employee are excludible to the employee, if payments meet the rules of an "accountable plan". Requirements are: 1) business connection; 2) substantiation of amount, date and time, place, and business purpose; 3) excess returned within a reasonable time.

IRC Section 162

Clothing or uniforms are excluded from wage income of an employee if they are: 1) specifically required as a condition of employment; and 2) not worn or adaptable to general use as ordinary clothing.

Pevsner v. Commissioner of Internal Revenue, 628 F.2d 467: for clothing provided by an employer to an employee to be excludible from wage income it must not be worn or adaptable to being worn outside of work for casual or personal purposes. It is not a question of whether the worker would prefer to wear the clothing outside of work for casual or personal purposes; it is a question of whether it could be so worn.

Private Letter Ruling 9443025: lack of substantiation of actual use of cash allowance paid to employee for uniform cleaning results in inclusion of allowance in wage income

Conclusion:

The payment of allowances or reimbursements to an employee for the purchase of clothing for which no substantiation is provided by the employee, or the clothing is worn or adaptable to general use as ordinary clothing, results in taxable wage income to that employee. The fact that such clothing reimbursements or allowances are paid as a requirement of applicable Union contracts does not affect whether such payments are includible in wage income.

Notice of Proposed Adjustment

Name of taxpayer City of Wichita		Issue No. 5
Name and title of person to whom delivered Brian McLeod		Date 11/7/07
Entity for this proposed adjustment Same		

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$26,418	Employer-Provided Cell Phones		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items).

Taxpayer Representative's action

☒ Agreed ☐ Agreed in Part ☐ Disagreed ☐ Have additional information; will submit by:

Case Manager

Date

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Name of Taxpayer	Explanation of Items	Year/Period Ended
City of Wichita		1/1/04-12/31/04

5. Employer-Provided Cell Phones 2004
\$26,418

Issue:

Is the use by employees of employer-provided cell phones which is unsubstantiated by the users includible in the users' taxable wages?

Facts:

The City provided City-owned cell phones to certain employees for business, non-compensatory reasons. It did not require the users to substantiate their business vs. personal use of the cell phones. In 2004, most cell phone companies issued a billing referencing the assigned City employee. When a vendor did not reference the assigned employee on the invoice, each department is responsible for maintaining a log and identifying the assigned employee. Some departments utilize phones as general department phones and were checked by employees for the day, depending on job assignments of the day. Per the city, appropriate use of the phones is addressed by each department director and designee managers. Cell phone invoices are approved for payment by the department director or the director's designee. Per the City, the phones are provided for business purposes only. See "Attachment- Issue 5".

Law:

IRC 280F (d)(4) defines "listed property", which includes cell phones

IRC 274(d) states, in part, that no deduction or credit shall be allowed with respect to any listed property (as defined in section 280F(d)(4), unless the taxpayer substantiates by adequate records: (A) the amount of the expense; (B) the time and place of the use of the property; (C) the business purpose of the expense or other item; and (D) the business relationship to the taxpayer of persons using the property.

IRC 132(d) defines working condition fringe benefits.

Conclusion:

Because the nature of the property lends itself to personal use, strict substantiation requirements are in place for listed property. Employees are required to account for business and personal use of the cell phones. The City did not require its employee users to substantiate their use of the City-owned cell phones; therefore, all use of the phones is includible in the employees' taxable wages.

Form **5701**
(Rev. December 1983)

Department of the Treasury - Internal Revenue Service

Notice of Proposed Adjustment

Name of taxpayer

City of Wichita

Issue No.

4

Name and title of person to whom delivered

Brian McLeod

Date

11/7/07

Entity for this proposed adjustment

Same

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$26,728	Personal Use of Employer's Car		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items).

Taxpayer Representative's action

☐ Agreed

☒ Agreed in Part

☐ Disagreed

☐ Have additional information; will submit by:

Case Manager

Date

Form 886A	Department of the Treasury - Internal Revenue Service Explanation of Items	Schedule No. or Exhibit
Name of Taxpayer City of Wichita		Year/Period Ended 1/1/04-12/31/04

4. Personal Use of Employer's Car 2004
 \$26,728

Issue:

Is the personal, commuting use of employer-owned vehicles includible in employees' taxable wages?

Facts:

The City provided City-owned vehicles for commuting use by certain employees of the City. The users of such vehicles had duties which the City had decided required the employees to have such vehicles available to them on an overnight basis at their residences. The City had a written policy in place, AR 43, dated 1/30/91, which stated that City employees were not to use such vehicles for personal purposes, and were not to carry non-City employees as passengers. The City did not require vehicle users to substantiate their business vs. personal use of such vehicles per the use of logs, diaries, or other means. Refer to "Attachment-Issue 4" for a spreadsheet prepared by the City showing the users and taxable consequences of the personal, commuting use of the vehicles by the employee users.

Law:

Private Letter Ruling 200236022: The value of the personal, commuting use of employer-owned pickup trucks provided to employees who were required to drive them home for "off-duty" calls should be included in the gross income of the employees who use them.

Treasury Regulation 1.162—2 (e): commuting between residence and work station constitutes taxable personal use of an employer-provided vehicle.

Treasury Regulation 1.61-21(d): the automobile lease valuation rule is one of the 'special automobile valuation rules' available to be used for valuing the personal, commuting use of employer-provided vehicles

Conclusion:

The personal, commuting use of vehicles provided to employees for business, non-compensatory purposes is includible in the employees' taxable wages

Form **5701**
(Rev. December 1983)

Department of the Treasury - Internal Revenue Service

Notice of Proposed Adjustment

Name of taxpayer City of Wichita	Issue No. 2
Name and title of person to whom delivered Brian McLeod	Date 11/7/07
Entity for this proposed adjustment Same	

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$4,297	Internet Reimbursements		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items.).

Taxpayer Representative's action

☒ Agreed ☐ Agreed in Part ☐ Disagreed ☐ Have additional information; will submit by:

Case Manager

Date

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Name of Taxpayer	Explanation of Items	Year/Period Ended
City of Wichita		1/1/04-12/31/04

2. Internet Reimbursements

2004
\$4,297

Issue:

Were reimbursements made by the City of Wichita to employees in reimbursement of residential internet costs includible in the wage income of the recipients?

Facts:

The City made payments to certain system analyst employees for internet access based on vendor invoices for the service when employees were on call 24 hours a day. Internet access allowed employees to provide support services from home. No documentation of internet use was required. Refer to "Attachment-Issue 2" for detail.

Law:

Internal Revenue Code (hereafter "IRC") Section 280F(d)(4) describes "listed property". IRC 274(d) describes the record-keeping requirement for documentation of business vs. personal use of property.

Conclusion:

The use of "listed property", such as computers and cell phones, by employees is subject to strict record-keeping requirements to document business vs. personal use of such property. Because the nature of property lends itself to personal use, strict substantiation requirements have been put in place by the law. Substantiated business use is excludible from the wages of employees as a working condition fringe benefit, while personal use is includible in the user's wages. Since no documentation of use of the computers (and necessary internet use) was maintained by the employees, all reimbursements made by the employer were includible in wages.

Form **5701**
(Rev. December 1983)

Department of the Treasury - Internal Revenue Service

Notice of Proposed Adjustment

Name of taxpayer City of Wichita	Issue No. 1
Name and title of person to whom delivered Brian McLeod	Date 11/7/07
Entity for this proposed adjustment Same	

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$3,727	Relocation/ Moving Expense		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items.).

Taxpayer Representative's action

☒ Agreed ☐ Agreed in Part ☐ Disagreed ☐ Have additional information; will submit by:

Case Manager

Date

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Explanation of Items		
Name of Taxpayer		Year/Period Ended
City of Wichita		1/1/04-12/31/04

1. Relocation/Moving Expense

2004
\$3,727

Issue:

Were certain payments made by the City of Wichita to employees in reimbursement of relocation or moving-related expenses includible in the wage income of the recipients?

Facts:

Employee	Amount	Date	Description
George Kolb	\$1,000	8/23/04	House-hunting expenses
George Kolb	495	7/30/04	Moving Expenses-hotel at new location (after first night)
Larry Foos	1,232	6/14/04	House-hunting expenses
Total	\$3,727		

Law:

Internal Revenue Code (hereafter "IRC") Section 217 and associated Treasury Regulations

IRC 61 includes in income all income from whatever source derived, including fringe benefits

Conclusion:

The payments to relocating employees described above would not be deductible if paid by the employee, and are not excludible from their wages when reimbursed by their employer.

Form **5701**
(Rev. December 1983)

Department of the Treasury - Internal Revenue Service

Notice of Proposed Adjustment

Name of taxpayer

City of Wichita

Issue No.

6

Name and title of person to whom delivered

Brian McLeod

Date

11/7/07

Entity for this proposed adjustment

Same

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	\$2,500	Public Award		
Issue				

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items.).

Taxpayer Representative's action

☒ Agreed ☐ Agreed in Part ☐ Disagreed ☐ Have additional information; will submit by:

Case Manager

Date

Part 2-To Be Returned By Taxpayer With Reply

Cat. No. 42770J

Form **5701** (Rev. 12-1983)

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Explanation of Items		
Name of Taxpayer		Year/Period Ended
City of Wichita		1/1/04-12/31/04

6. Public Award

2004
\$2,500

Issue:

Was the payment by the City to Ramon Machain for an "Excellence in Public Service" award includible in his taxable wages?

Facts:

The City acted as the conduit of the award to its employee; the funds were provided in their entirety by the Devore Foundation. The recipient's fellow employees nominated Mr. Machain as their choice for this award; the City did not itself select Mr. Machain for the award. The payment date of this award was 5/14/04. See "Attachment - Issue 6".

Law:

IRC Section 61 includes in gross income all income from whatever source derived, including wages.

IRC Section 3401 (d) defines the term "employer" for wage withholding purposes.

Conclusion:

The payment of an award to an employee by an employer, even though the funds themselves originated with an outside party, constitutes taxable wages to the recipient. The employer controlled the distribution of the funds, and made the distribution itself directly to the employee recipient. The award did not meet any of the criteria for nontaxable treatment, which would have included: 1) certain prizes or awards transferred to charities; 2) de minimis awards and prizes; and 3) certain employee achievement awards. The payment was not transferred to a charity, was not de minimis, and was not an item of tangible personal property.

Notice of Proposed Adjustment

Name of taxpayer City of Wichita	Issue No. 7
Name and title of person to whom delivered Brian McLeod	Date 11/7/07
Entity for this proposed adjustment Same	

Based on the information we now have available and our discussions with you, we believe the proposed adjustment listed below should be included in the revenue agent's report. However, if you have additional information that would alter or reverse this proposal, please furnish this information as soon as possible.

Years	Amount	Account or return line	SAIN NO.	Issue Code
200412	FITW: \$(1911.27) FICA: (1356.93) Medicare: (317.35)	Claim For Refund		

Issue

See attached 886-A

Reasons for Proposed Adjustment

If the explanation of the adjustment will be longer than the space provided below, the entire explanation should begin on Form 886-A (Explanation of Items.).

Taxpayer Representative's action
☒ Agreed
 ☐ Agreed in Part
 ☐ Disagreed
 ☐ Have additional information; will submit by:

Case Manager	Date
--------------	------

Form 886A	Department of the Treasury - Internal Revenue Service	Schedule No. or Exhibit
Explanation of Items		
Name of Taxpayer		Year/Period Ended
City of Wichita		1/1/04-12/31/04

7. Claim for Refund

	<u>2004</u>
FITW	(\$1911.27)
FICA	(1356.93)
MEDICARE	(317.35)

Issue:

Is the claim for refund dated 4/10/06 for the quarter ended 3/31/04 by the taxpayer allowable in full, in part, or not allowable?

Facts:

The taxpayer filed a claim for refund dated 4/10/06 for the quarter ended 3/31/04 for the amounts shown above. It described the basis for the claim as to correct "erroneously reported Income, Social Security, and Medicare taxes".

Law:

N/A

Conclusion:

Per explanation by the City and analysis of a reconciliation of the amounts at issue, the claim for refund was determined to be allowable in full.

revised

Agenda Item No. 22.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: Approve Forms 5701 in Relation to Employment/Payroll Tax Audit of City

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve the Forms 5701, and authorize the Mayor to sign.

Background: The Internal Revenue Service (“IRS”) is examining City’s federal employment and payroll tax matters for the calendar quarters in fiscal year 2004. On December 18, 2007, Council reviewed and approved a request to extend the period for assessment by 12 months from this coming April. Part of the reason for the extension was to allow additional time for the auditors and City Staff to analyze several potential adjustments proposed by the auditors on IRS Form 5701, and preserve normal administrative appeal routes for any unresolved disputes. Following review by Staff of the proposed adjustments, and identification of two minor corrections on the adjustment relating to employer-provided vehicles, it appears the proposed adjustments covered by the Forms 5701 can be accepted, to resolve the covered issues on a largely agreed basis. Accordingly, the matter is coming before Council at this time for approval of the Forms 5701.

Analysis: Seven specific types of adjustments are covered by the Forms 5701. Six are adjustments increasing the amounts that were subject to withholding, and the seventh is a small, offsetting refund. A summary explanation of the issues (also covered in greater detail in the Forms 886-A attached to the Forms 5701) is as follows:

1. **Clothing allowance:** The proposed adjustment is a \$211,170 addition to amounts subject to withholding, for a) the value of employer-provided work clothing adaptable to personal use, and b) the value of cash allowances or reimbursements for work clothing where the actual cost was not substantiated under the IRS “accountable plan” rules. The associated withholding liability based on the adjustment will be approximately \$52,793.
2. **Personal use of vehicles:** The proposed adjustment is a \$26,728 addition to amounts subject to withholding, and generally relates to the value of “commuting” use of employer-provided, take-home vehicles. The associated withholding liability based on the adjustment will be approximately \$6,682.

3. Employer Provided Cell Phones: The proposed adjustment is a \$26,418 addition to amounts subject to withholding. Since the 2004 audit period, the City has widely implemented a revised policy of providing a taxable cell phone allowance to employees who need cell phones for their work, rather than providing the cell phones directly. The associated withholding liability based on the adjustment will be approximately \$6,605.
4. Internet Reimbursements: The proposed adjustment is a \$4,297 addition to amounts subject to withholding, and generally arises in relation to access provided for IT analysts who need home internet access for remote operations. The associated withholding liability based on the adjustment will be approximately \$1,075.
5. Relocation/Moving Expense: The proposed adjustment is a \$3,727 addition to amounts subject to withholding, and arises from travel to Wichita, temporary quarters and house-hunting expenses for two employees who were recruited to Wichita from other areas. The associated withholding liability based on the adjustment will be approximately \$932.
6. Excellence in Public Service Award: The proposed adjustment is a \$2,500 addition to amounts subject to withholding, and arises because one of the three recipients of this award (conferred annually on one employee of the City, one employee of Sedgwick County and one employee of USD No. 259) is a City employee and the City becomes the “payor” in the course of administering the program. The associated withholding liability based on the adjustment will be approximately \$625.
7. Refund: The seventh proposed adjustment is an offsetting refund for overpayment of employer liabilities, in the amount of \$3,585.55.

The IRS auditor has indicated that the intention of the audit is to settle the withholding issues with the City, but not to pursue them as individual adjustments on the returns of employees that received the benefits. Accordingly, it is not expected that any of the individual employees will be adjusted for 2004. As practices are changed going forward, employees who continue to receive the various benefits in issue will have an amount added to Form W-2 and subjected to withholding to account for the taxable status of the benefit. For the various issues, the prospective impact may be:

Clothing Allowance Issue – Approximately 361 Firefighters and 336 Police officers would be affected, based on 2004 numbers;

Cell Phones – The number of employees impacted will be greatly diminished from 2004, because the City already switched to allowances on most cell phones, but some OCI Inspectors, Engineers and Police officers who are still furnished phones, will be affected;

Employer Provided Vehicles – Approximately 6 Park/Golf employees, the Fire Chief (if the Chief’s car remains unmarked), 4 Park/Maintenance staff, and 30 Police Officers would be affected, based on 2004 numbers. Some Public Works and Water staff may also be affected.

Internet Reimbursements – 11 IT/IS staff would be affected, based on 2004 numbers;

Relocation/Moving Expenses – This issue was only identified for 2 employees in 2004, and may affect the new Manager when selected, or other key staff for whom “nationwide searches” are conducted.

Excellence in Public Service Award – This issue will affect one City employee annually, unless the County or USD, or some other non-City party, becomes the payor for the City Employee recipient.

Financial Considerations: The net additional withholding liability as a result of the proposed adjustments will be slightly under \$65,130. In the context of overall City operations and the wide range of issues reviewed in the audit, the proposed adjustments represent a minor degree of error. However, corrective steps have been identified for each category of adjustments, going forward.

Goal Impact: Internal Perspective.

Legal Considerations: The City Attorney’s Office has reviewed the auditors’ requests for information and the City’s responses throughout the course of the audit, and has also reviewed the sections of the Internal Revenue Code and Regulations relied upon by the auditors for each of the proposed adjustments, as well as interpretive federal case law. Based on this review, it appears appropriate for the City to concur with the Forms 5701 as presented to the Council herewith.

Recommendations/Actions: It is recommended the City Council approve the attached Forms 5701 and authorize the Mayor to sign.

Attachment: Forms 5701 and accompanying Forms 886-A

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Review of Denial of Manufactured Home Park Annual License Renewal
Reed-A-Way Mobile Home Park, 2635 S. Hydraulic
Council District III

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendations: Based on evidence presented during the review hearing, take appropriate action to sustain, reverse or modify the Office of Central Inspection's denial of the annual manufactured home park license for Reed-A-Way Mobile Home Park, located at 2635 S. Hydraulic.

Background: Reed-A-Way Mobile Home Park was first established in the early 1950's. The property is zoned "SF-5" Single Family, and has operated as a legal non-conforming mobile home park since 1964. The Park was originally developed and licensed for 50 spaces. More recently, the mobile home park has been licensed for 44 spaces. Presently, there are 30 mobile homes in the park, 25 of which are occupied.

In July 2006, the City amended its Manufactured Home Park Ordinance (Chapter 26.04 of the Code of the City of Wichita), adding new park maintenance and licensing standards, as well as new provisions for denial and/or revocation of manufactured home park licenses. On September 24, 2007, the Office of Central Inspection (OCI) refused to renew the annual manufactured home park license for Reed-A-Way Mobile Home Park (Park). OCI's license denial, issued pursuant to Sections 26.04.35 and 26.04.115 of Title 26 (Notice of Violation, Attachment 1), was based on the significant number of housing (dwelling unit) and environmental maintenance code violations present in the Park. The annual license for the Park officially expired on October 2, 2007.

By letter dated October 5, 2007, the Park owners appealed OCI's refusal to renew the manufactured home park license. On November 20, 2007, the City Council conducted an appeal hearing as required by Section 26.04.038 of the Code of the City of Wichita, and voted to defer final action on the Park's license for 90 days. A condition of deferral was that no new manufactured homes were permitted to be moved into the Park during the deferral period. The Council's deferral was also contingent upon submission of a realistic and reasonable plan for Park improvements to the Superintendent of Central Inspection within 30 days, including a longer-term business plan.

Since November 20, 2007, OCI staff has performed several follow-up inspections in the Park to verify progress on code compliance. Meetings between the Park's owners and staff were conducted in OCI on December 21, 2007, January 25, 2008 and February 19, 2008, and code compliance issues and plans for future Park improvements (both physical and operational) were reviewed and discussed.

Analysis: As of February 20, 2008, 13 of the 16 minimum housing code cases active on November 20, 2007 had been resolved by repair or removal, and repair work was progressing on the remaining three (3) housing code cases. One (1) housing code case had a single remaining exterior violation left to correct. In addition, the Park owners had purchased a couple of the Park's existing mobile homes and were repairing

them. As of February 20, 2008, eight (8) of the 10 environmental code cases active on November 20, 2007 had been resolved, and work was progressing on the remaining two (2) cases.

The Park owners have committed to the following per their *STATEMENT OF INTENT* (Attachment 2), proposed new *Park Rules and Regulations* (Attachment 3), and proposed new *Requirements Regarding New Mobile Homes* (Attachment 4), as submitted to the Superintendent of Central Inspection:

- § Resolution of all remaining housing and/or environmental code violations in the Park within 90 days (one tenant-owned home will be need to be purchased and removed, and the tenant relocated – other open code cases should be resolved within 30 – 60 days);
- § Immediate reduction of the number of licensed spaces in the Park from forty-four to thirty-five;
- § Installation of new solid screening along Hydraulic, as approved by the City, which will include solid six – eight foot tall fencing and landscaping (bids obtained and provided – see Attachment 5) within 180 days of license renewal;
- § Hiring of a professional Park manager, who will live on-site, within 90 days of license renewal;
- § Immediate adoption, implementation and enforcement of stricter tenant screening guidelines and new *Park Rules and Regulations*;
- § Implementation of minimum standards for manufactured homes moved into the Park, limited to 1980 models or newer;
- § Pre-inspection and approval of any units moved into the Park, in consultation/conjunction with OCI inspection staff.

Goal Impact: On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

Legal Considerations: The Park owners has been properly notified of the code violations in the Park, and of the reasons for denial of the license. The appeal hearing was conducted by the City Council as required by Section 26.04.038 of the Code of the City of Wichita. The Park owners have been properly notified of the results of the November 20, 2007 appeal hearing, and have been notified of the March 4, 2008 Council review hearing. The City Council may sustain, reverse or modify the denial of the license.

Recommendations/Actions: Take appropriate action based on evidence and testimony presented during the review hearing. The City Council can:

- sustain the action to deny renewal of the license;
- reverse the action to deny renewal of the license;
- modify the Office of Central Inspection's denial of the manufactured home park license; or
- defer official Council action to provide the appellants additional time to correct remaining code violations.

Attachments: Copy of September 24, 2007 Chapter 26 Notice of Violation (Attachment 1); *STATEMENT OF INTENT* from Park owners (Attachment 2); proposed *Rules and Regulations* from Park owners (Attachment 3); proposed *Requirements Regarding New Mobile Homes* from Park owners (Attachment 4); copies of bids for proposed solid screening fence from Park owners (Attachment 5).

OFFICE OF CENTRAL INSPECTION

455 N. Main Street, City Hall, Wichita, Kansas 67202
Telephone: (316) 268-4481 Fax: (316) 268-4663

Commercial Zoning

Code

CASE #: COM2007-04620

Date: 9/24/2007

NOTICE OF VIOLATION

Case Location: 2635 S HYDRAULIC AVE

Primary Name: DANN LEACH
Primary Address: 2020 W 101ST ST N

VALLEY CENTER KS 67147

Needed improvements and/or corrections to property are listed below:

CHPTER 26.04.035/036/26.04.115

CHAPTER 26.04.035/26.04.036: License refusal to renew/Service of Notice of violations (Ord. No. 47-050, adopted June 20, 2006)

CHAPTER 26.04.115 Enforcement and Inspection (Ord. No. 47-050, adopted June 20, 2006)

License refusal to renew a Mobile Home/Manufactured Home Park License for parcel zoned "SF-5" Single Family 5 Residential Zoning/Non-conforming.

Refusal to renew Mobile Home/Manufactured Home Park License based on numerous active Housing violations cases (16 active cases) and an active Environmental violation case (1 case) - see attached copies of conditions/corrections required for each case/Lot.

Correct required conditions on all active Housing violation cases as well as active Environmental case. Once all corrections/case closures have been made, the Office of Central Inspection -Commercial Zoning, will review possible license renewal.

You are hereby notified that you will have until 10/24/2007 to correct or resolve the above-identified violations of the Commercial Zoning code.

If you do not take action to correct the above violations by 10/24/2007, a ticket of Uniform Criminal Complaint may be filed against you.

Please contact our office at 268-4481 should you have any questions or concerns.
or comments

Staff ID: Tina Henry

Next Compliance Date: 10/24/2007

Certified Mail No: 7005 2570 0002



CITY OF
WICHITA

CUSTOMER / OCI
attachment 1

2175 4364

STATEMENT OF INTENT

February 20, 2008

Kurt A. Schroeder
Superintendent of Central Inspection

Dear Mr. Schroeder:

If the City allows our license to be renewed, we plan to operate Reed-A-Way Mobile Home Park as directed by all applicable codes.

All manufactured homes that are to be installed in our Park must be approved by the management. We will seek assistance from the Office of Central Inspection for advice in approving new homes. The home will have a manufactured date after 1985. This will guarantee that the appearance and livability standard is met.

We will voluntarily lower the permissible number of manufactured homes. The exact number shall be determined by business factors and open space considerations. We want to please the City on this matter.

We will continue our present plan to remove or refurbish trailers that are not meeting housing codes. Specifically, the house on Lot 32C, owned by John Pierott shall be removed within 90 days or when Mr. Pierott is relocated within the Park to a new residence, whichever is first.

We will provide screening (of the nature required of new parks) along Hydraulic Ave. This project is contingent on removing trees and structures within the easement, and finding an affordable qualified contractor. The time frame includes completion in 180 days.

We will search for an on-site manager to deal with housing issues and environmental rules. The manager will handle the business matters of the Park and directly assist the tenants. This is a current priority and should be filled within 90 days of re-licensing.

This manager will also act as a liaison between the owners and the neighbors outside of the Park. It is our hope that whatever complaints might arise from outside the Park can be solved promptly and amicably.

The manager will screen future tenants more carefully to create a peaceful and law-abiding environment for the present tenants. We will be implementing the Drug-Free Addendum to show our intolerance to crime. Upon re-licensing, this will be in effect immediately.

In general, we would like to become a model community for lower income residents. We want to create a peaceful and affordable place for them to call home.

Sincerely,



Dann and Cindy Leach
Operators of Reed-A-Way Mobile Home Park

attachment 2

Reedaway Mobile Home Park
2635 South Hydraulic
Wichita, KS 67216
Phone: 316-204-9900

RULES AND REGULATIONS

Effective March 5, 2008

1. **DEPOSITS.** A \$200.00 deposit is required. The deposit will be refunded only when the tenant has given a 30 day written notice, paid all bills in full and cleaned the property. Deposits are not transferable to new tenants.
2. **RENT.** Rent is due on the first of the month. Rent is due and payable from the 1st to the 5th. Rent may be paid at the office by check or money order left in the drop box or mailed to:
Reedaway Mobile Home Park
2635 S. Hydraulic, Office
Wichita, KS 67216
3. **LATE CHARGES.** The late charge for any balance due is \$1.00 per day after the 5th of the month; \$5.00 per day after the 10th of the month. Returned check charge is \$30.00.
4. **NON-PAYMENT OF RENT.** Three (3) day notice for non-payment of rent; thirty (30) day notice for disregard of rules and regulations. A 14/30 eviction notice may be issued which allows 14 days to correct the situation.
5. **OCCUPANTS.** Reedaway will reserve the right to limit new tenants to families totaling four (4) or less. No additional person or family shall move in without approval of the management. Kansas Law: Office is required to keep a record of all persons living in Park.
6. **RENTALS.** Reedaway will not accept any mobile home rentals. Mobile homes must be occupied by the owners.
7. **SELLING.** Notify the office when a mobile home is up for sale. New buyers must be approved by the management to rent the lot. All new tenants must fill out an application.
8. **UTILITIES.** All occupied mobile homes must have necessary utilities. Electric, gas and water utilities must be in working order and turned on. No wood-burning stoves allowed.
9. **YARDS.** Tenants must maintain their yards in a clean and orderly manner. Trash must be placed IN the dumpster provided. The City of Wichita municipal code does not allow trash, tires, lumber, furniture, car parts, salvage material, appliances or other debris in yards. Outdoor trashcans must have a tight fitting cover. Yards must be mowed and trimmed. Tenants will be given a three (3) day notice to mow or clean. If the management is required to do this work, there will be a \$10.00 minimum charge. This will be added to your rent. Tenants are not to put tires or appliances in the dumpsters; they will not be taken. If you need these items hauled away, see the management. The dumpster is located near the office and emptied Monday, Wednesday and Friday mornings.
10. **VEHICLES.** A maximum of two vehicles will be allowed per mobile home. Absolutely no major mechanical work will be allowed. City municipal code states that it is unlawful to have any rusted,

wrecked, junked, partially dismantled, abandoned or inoperative vehicle on private property within the city for more than ten days. This includes vehicles with current license tags.

11. **SKIRTING, DECKS, STORAGE SHEDS, FENCES, WINDOWS AND SCREENS.** Central Inspection requires that these items be kept in good repair. No additions may be added to mobile homes or fences erected without proper permits and management approval.
12. **SPEED LIMIT.** All tenants and guests must observe the 10 M.P.H. speed limit. All drivers must have a valid driver's license. PLEASE BE ALERT TO SMALL CHILDREN.
13. **NOISE.** No loud stereo, television or radio will be tolerated within the Park. No drunkenness or rowdy behavior from tenants or their guests will be tolerated within the Park.
14. **WATER.** Keep toilets, faucets and water lines in good repair. NO LEAKS! Heat tape must be used on all water lines and in working order. No swimming pools will be allowed.
15. **CHILDREN.** Children are not to play in or cross other tenant's yards without permission. Children riding bicycles must stay at the edge of streets and do so at the parent's liability. Parents are responsible for the actions of their children and the guests of their children.
16. **STREET LIGHTS.** The street lights are paid for by the Park. They were installed for the safety of the tenants. Please report lights out to the management.
17. **PETS.** Dogs are restricted to small house dogs. Dogs are not to be outside at night or when owners are not at home. Dogs are not to be tied outside. Owners must pick up dog fecal and dispose of properly once a week or as often as necessary to prevent odor and fly breeding. Dogs are not allowed to run loose. If you walk your dog, it must be leashed and not allowed on other tenant's yards. All new dogs must be approved by management. All dogs must wear current rabies tag. Cats are restricted to house cats only. Cats must be confined to owner's yard and any cat not wearing a rabies tag may be picked up.
18. **GRIEVANCES.** Every resident is entitled to quiet enjoyment of the premises he or she rents. If your property is disturbed or you feel endangered by anyone, call the police. If you are unreasonably bothered by another resident, his guest, or pets, call the management. We will not tolerate one resident continuing to disturb his or her neighbors.
19. **DRUG-FREE ADDENDUM.** An eviction will be served if a crime is committed or if it appears a crime has been committed.

With your cooperation, we believe that these rules and regulations will help to regulate a successful park in which all may live happily.

Reedaway Mobile Home Park Management



Reedaway Mobile Home Park
2635 S. Hydraulic
Wichita, KS 67216

Date _____

Lot _____

I have read the Rules and Regulations and agree to abide by them. I understand that continued disregard of these Rules and Regulations may be grounds for a 30 day written notice of eviction. I understand that if I choose to sell my mobile home, I must have any prospective buyer approved by the management. The deposit for Lot rental is \$200.00 and must be paid before transfer of ownership. The deposit is not transferable.

Signed _____

(Print) _____

Reedaway Mobile Home Park
2635 S. Hydraulic
Wichita, KS 67216
Phone: 316.204.9900

Requirements Regarding New Mobile Homes

1. All new mobile homes moving into the Park must be approved by the management. The Park will seek assistance from the Wichita Office of Central Inspection for advice in approving new homes.
2. New homes are limited to 1980 or newer.
3. The exteriors of new homes (siding, windows, doors, trim and roof) must be in good repair before moving in. Utilities and skirting must be installed within 10 days of moving home into Park.
4. Steps and porches to homes must be in good repair and painted as needed.

Kansas Fence Co., Inc.

P.O. Box 13066 • Wichita, KS 67213

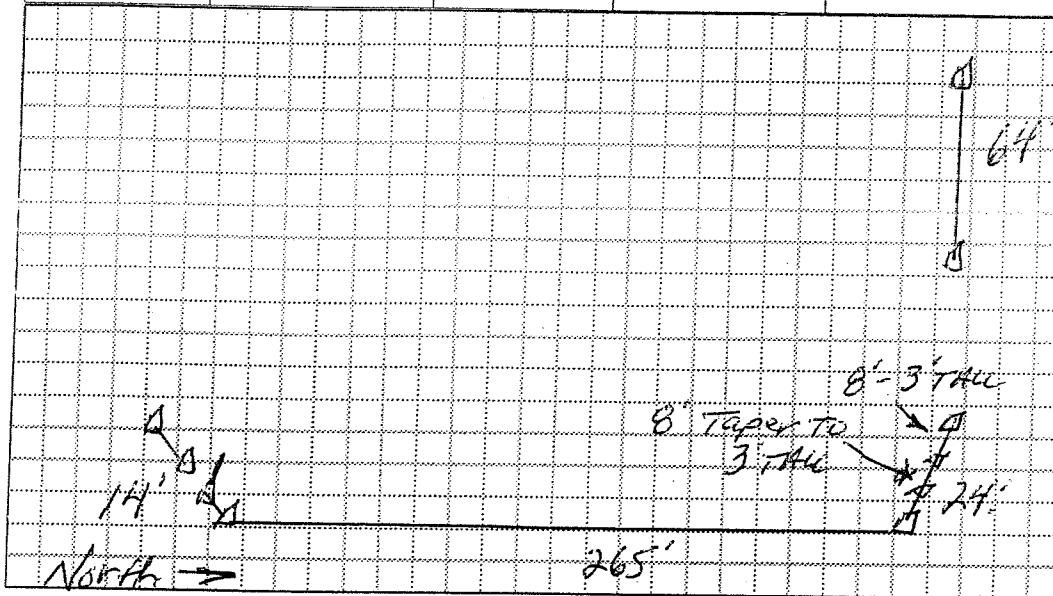
(316) 941-4922

Job Information:

Date: 1-24-08

Customer Information:

Name: Reedaway Mobile Home Park				Phone Number: 204-9900	
Address: 2635 S. Hydraulic				City/State: Wichita, KS	
Zip Code:		Utility Log #		Date Complete	
Update		Date Complete		Dan Leach	



INSTALL: <input checked="" type="checkbox"/> Contour <input type="checkbox"/> Straight Top <input type="checkbox"/> Stair Step <input type="checkbox"/> Level		LOCATION: <input checked="" type="checkbox"/> Staked by Buyer <input type="checkbox"/> Property Pins <input type="checkbox"/> 6" Inside Line <input type="checkbox"/> Dimensions	
FINISH: <input type="checkbox"/> Galvanized <input type="checkbox"/> Powder Coat <input type="checkbox"/> Painted <input type="checkbox"/> Dipped <input type="checkbox"/> Sprayed Color:		REMOVAL: <input type="checkbox"/> Stack <input checked="" type="checkbox"/> By Others <input type="checkbox"/> Haul Away <input type="checkbox"/> N/A	
SPECIAL TOOLS: <input type="checkbox"/> Jackhammer <input type="checkbox"/> Welder <input type="checkbox"/> Core Drill # of Holes			

CHAINLINK

Hydraulic

FABRIC						LINE POSTS			RAIL			BARBWIRE	
Ft.	Ht.	Gauge	Mesh	Selva	Tens. Wire	O.D.	Type	Spaced	O.D.	Type	T/WB	# of Strands	Out In/Up

ORNAMENTAL IRON

PICKETS						RAILS			LINE POSTS		
Ft.	Style	Ht.	Size	Gauge	Spaced	Num	Size	GA	Size	GA	Spacing

TERMINAL POSTS		
Size	GA	Num

WOOD/RPF

Ribbed Plastic Fence

FACE BOARDS					LINE POSTS		RAILS		
Ft.	Ht.	Size	Type	Color	Size	Type	Num	Size	Type
367	6	1x6	open		6x4		3	2x4	cedar

GATES						
Qty	Type	Style	HT	Opening	Drops	Frame
1	5	Sing	6'	4'	1 1/2	Steel

SubTotal:	\$
Sales Tax:	\$
Contract Amount:	\$
Down Payment:	\$
Balance Due:	\$

Accepted by Kansas Fence Co.: Bill Neppel 1-24-08
Date

Approved & Accepted for Customer: _____
Balance Due Upon Completion Date

Buyer acknowledges that they have read and understand the terms and conditions set forth on the reverse and front side.

Using postmaster 172 \$11,984.00
Steel posts 755.00
12,739.00

Kansas Fence Co., Inc.

P.O. Box 13066 • Wichita, KS 67213

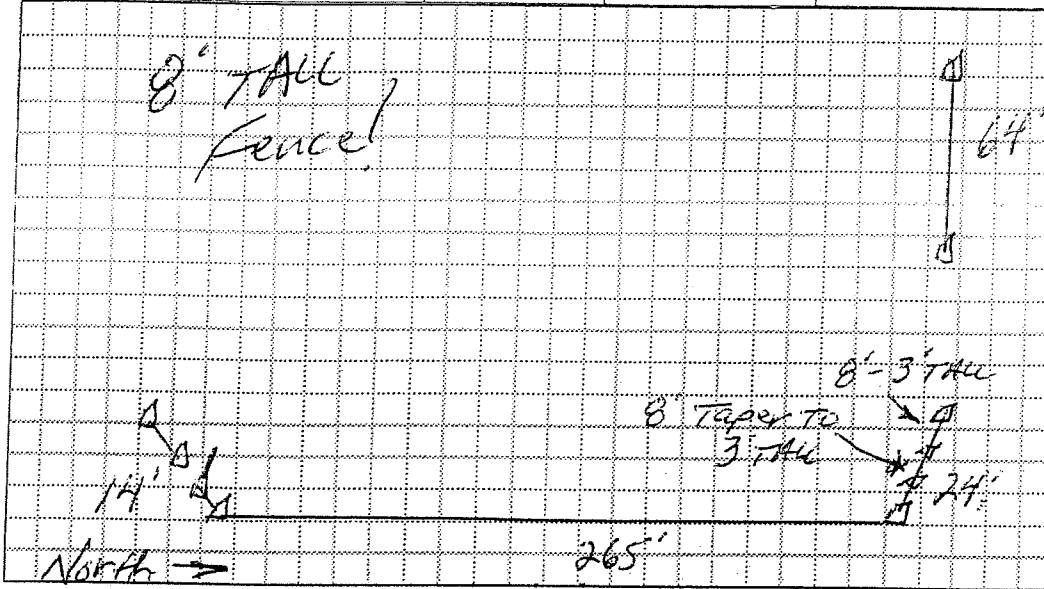
(316) 941-4922

Job Information:

Date: 1-24-08

Customer Information:

Name: Reedaway Mobile Home Park		Phone Number: 204-9900	
Address: 2635 S Hydraulic		City/State: Wichita, KS Zip Code:	
Utility Log #	Date Complete	Update	Date Complete
Dan Leach			



INSTALL: <input checked="" type="checkbox"/> Contour <input type="checkbox"/> Straight Top <input type="checkbox"/> Stair Step <input type="checkbox"/> Level	LOCATION: <input checked="" type="checkbox"/> Staked by Buyer <input type="checkbox"/> Property Pins <input type="checkbox"/> 6" Inside Line <input type="checkbox"/> Dimensions
FINISH: <input type="checkbox"/> Galvanized <input type="checkbox"/> Powder Coat <input type="checkbox"/> Painted <input type="checkbox"/> Dipped <input type="checkbox"/> Sprayed Color:	REMOVAL: <input type="checkbox"/> Stack <input checked="" type="checkbox"/> By Others <input type="checkbox"/> Haul Away <input type="checkbox"/> N/A
SPECIAL TOOLS: <input type="checkbox"/> Jackhammer <input type="checkbox"/> Welder <input type="checkbox"/> Core Drill # of Holes	

CHAINLINK													
FABRIC						LINE POSTS			RAIL			BARBWIRE	
Ft.	Ht.	Gauge	Mesh	Selva	Tens. Wire	O.D.	Type	Spaced	O.D.	Type	T/W/B	# of Strands	Out in/Up

ORNAMENTAL IRON											
PICKETS						RAILS			LINE POSTS		
Ft.	Style	Ht.	Size	Gauge	Spaced	Num	Size	GA	Size	GA	Spacing

TERMINAL POSTS		
Size	GA	Num

WOOD / RPF											
FACE BOARDS					LINE POSTS		RAILS				
Ft.	Ht.	Size	Type	Color	Size	Type	Num	Size	Type		
367	8	1X8	Cedar				3	2X4	ACQ		
#2 No Hole											

GATES						
Qty	Type	Style	HT	Opening	Drops	Frame
1	5	Swg	8'	4'	1 1/2	steel

SubTotal:	\$
Sales Tax:	\$
Contract Amount:	\$
Down Payment:	\$
Balance Due:	\$

Accepted by Kansas Fence Co.: Bill Neppel 1-24-08 Date

Approved & Accepted for Customer:
Balance Due Upon Completion

Buyer acknowledges that they have read and understand the terms and conditions on the reverse and front side.
 Using 4x4 treated posts 173 11,680.35
 Using 2x4 ACQ 3 735.86
 12,416.21
 Using 2x8 0 pipe 5x4.40 13,370.00
 842.31
 14,212.31

Kansas Fence Co., Inc.

P.O. Box 13066 • Wichita, KS 67213

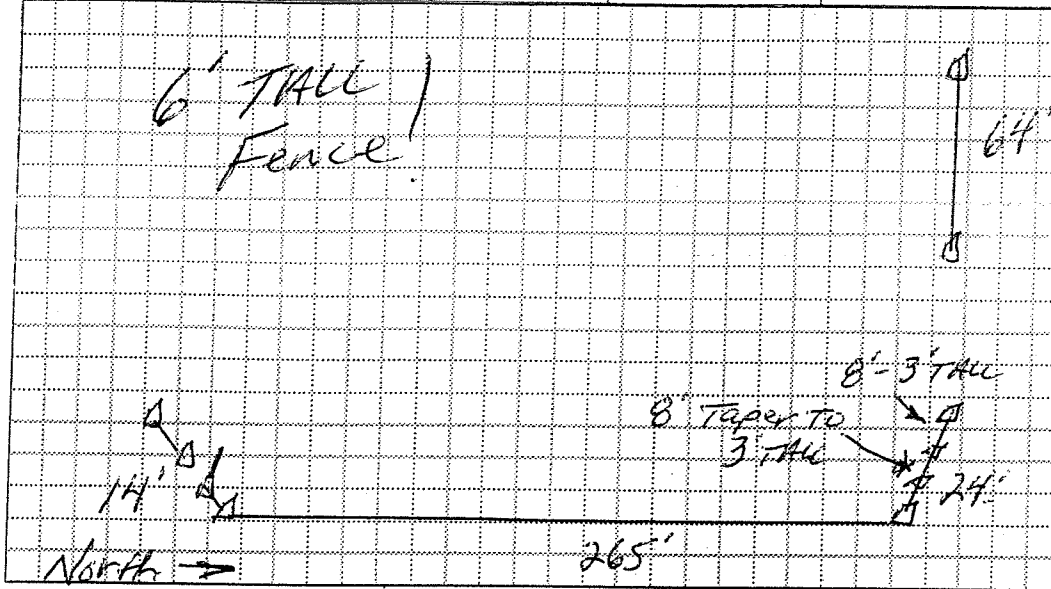
(316) 941-4922

Job Information:

Date: 1-24-08

Customer Information:

Name: <u>Reedaway Mobile Home Park</u>		Phone Number: <u>204-9900</u>	
Address: <u>2635 S. Hydraulic</u>		City/State: <u>Wichita, KS</u> Zip Code: _____	
Utility Log #	Date Complete	Update	Date Complete
			<u>Dan Leach</u>



INSTALL: <input checked="" type="checkbox"/> Contour <input type="checkbox"/> Straight Top <input type="checkbox"/> Stair Step <input type="checkbox"/> Level	LOCATION: <input checked="" type="checkbox"/> Staked by Buyer <input type="checkbox"/> Property Pins <input type="checkbox"/> 6" Inside Line <input type="checkbox"/> Dimensions
FINISH: <input type="checkbox"/> Galvanized <input type="checkbox"/> Powder Coat <input type="checkbox"/> Painted <input type="checkbox"/> Dipped <input type="checkbox"/> Sprayed Color: _____	REMOVAL: <input type="checkbox"/> Stack <input checked="" type="checkbox"/> By Others <input type="checkbox"/> Haul Away <input type="checkbox"/> N/A
SPECIAL TOOLS: <input type="checkbox"/> Jackhammer <input type="checkbox"/> Welder <input type="checkbox"/> Core Drill # of Holes _____	

CHAINLINK													
FABRIC						LINE POSTS			RAIL			BARBWIRE	
Ft.	Ht.	Gauge	Mesh	Selvage	Tens. Wire	O.D.	Type	Spaced	O.D.	Type	T/W/B	# of Strands	Out In/Up

ORNAMENTAL IRON											
PICKETS						RAILS			LINE POSTS		
Ft.	Style	Ht	Size	Gauge	Spaced	Num	Size	GA	Size	GA	Spacing

TERMINAL POSTS		
Size	GA	Num

WOOD/RPF										
FACE BOARDS					LINE POSTS		RAILS			
Ft.	Ht.	Size	Type	Color	Size	Type	Num	Size	Type	
367	6'	1X8	Cedar				3	2X4	ACC	

GATES						
Qty	Type	Style	HT	Opening	Drops	Frame
1	5	Swg	6'	4'	1 1/2	Steel

SubTotal:	\$
Sales Tax:	\$
Contract Amount:	\$
Down Payment:	\$
Balance Due:	\$

Accepted by Kansas Fence Co.: Bill Neppel 1-24-08
Date

Approved & Accepted for Customer: _____
Balance Due Upon Completion Date

Buyer acknowledges that they have read and understand the terms and conditions set forth on the reverse and front side.
 Using 4x4 Treated posts \$7540.00
 Using 2x4 Acc rails \$475.02
 Using 5 Swg 6' 4' 1 1/2 Steel drops \$8,038.75
 Using 1 5 Swg 6' 4' 1 1/2 Steel frame \$506.44
 Total \$8,545.19

(316) 941-4922

Date: 1-24-08

Customer Information:

Name: <i>Reedaway Mobile Home Park</i>		Phone Number: <i>204-9900</i>	
Address: <i>26355 Hydraulic</i>		City/State: <i>Wichita, KS</i>	Zip Code:
Utility Log #	Date Complete	Update	Date Complete
			<i>Dan Leach</i>

<p>8' Tall Fence</p> <p>14'</p> <p>265'</p> <p>8' Taper to 3' Tall</p> <p>8'-3' Tall</p> <p>24'</p> <p>64'</p> <p>North →</p>	<p>INSTALL:</p> <p><input checked="" type="checkbox"/> Contour</p> <p><input type="checkbox"/> Straight Top</p> <p><input type="checkbox"/> Stair Step</p> <p><input type="checkbox"/> Level</p> <p>FINISH:</p> <p><input type="checkbox"/> Galvanized</p> <p><input type="checkbox"/> Powder Coat</p> <p><input type="checkbox"/> Painted</p> <p><input type="checkbox"/> Dipped</p> <p><input type="checkbox"/> Sprayed</p> <p>Color: _____</p>	<p>LOCATION:</p> <p><input checked="" type="checkbox"/> Staked by Buyer</p> <p><input type="checkbox"/> Property Pins</p> <p><input type="checkbox"/> 6" Inside Line</p> <p><input type="checkbox"/> Dimensions</p> <p>REMOVAL:</p> <p><input type="checkbox"/> Stack</p> <p><input checked="" type="checkbox"/> By Others</p> <p><input type="checkbox"/> Haul Away</p> <p><input type="checkbox"/> N/A</p> <p>SPECIAL TOOLS:</p> <p><input type="checkbox"/> Jackhammer</p> <p><input type="checkbox"/> Welder</p> <p><input type="checkbox"/> Core Drill</p> <p>_____ # of Holes</p>
---	---	--

CHAINLINK						Hydraulic						RAIL						BARBWIRE	
FABRIC						LINE POSTS			RAIL			BARBWIRE							
Ft.	Ht.	Gauge	Mesh	Selvage	Tens. Wire	O.D.	Type	Spaced	O.D.	Type	T/W/B	# of Strands	Out In/Up						

ORNAMENTAL IRON													
PICKETS							RAILS				LINE POSTS		
Ft.	Style	Ht	Size	Gauge	Spaced		Num	Size	GA		Size	GA	Spacing

TERMINAL POSTS		
Size	GA	Num

WOOD / RPF									
FACE BOARDS					LINE POSTS		RAILS		
Ft.	Ht.	Size	Type	Color	Size	Type	Num	Size	Type
367	8'	1x8	cedar				3	2x4	Acad
		7/8"	K.D.						

GATES						
Qty	Type	Style	HT	Opening	Drops	Frame
1	5	Swg	8'	4'	1 1/2	steel

SubTotal:	\$
Sales Tax:	\$
Contract Amount:	\$
Down Payment:	\$
Balance Due:	\$

Accepted by Kansas Fence Co.:

Bill Neff 1-24-08

Date _____

Approved & Accepted for Customer:

Balance Due Upon Completion

Date _____

Buyer acknowledges that they have read and understand the terms and conditions set forth on the reverse and front side. *R 12 821 35 118116 114471 00*

Buyer acknowledges that they have read and understand the terms and conditions set forth on the reverse and front side.

Using 4x4	175	12,821 ³⁵ / ₁₀₀	Using	14,471 ⁰⁰ / ₁₀₀
Treated		207 ⁷⁵ / ₁₀₀	2 3/8 O pipe	911 ⁶⁷ / ₁₀₀
13629 ¹⁰ / ₁₀₀			5ch 40	15321 ⁶⁷ / ₁₀₀



PHONE: (316) - 944 -0590
FAX: (316) - 944 - 0592
2425 S. LEONINE
WICHITA KS 67217

DATE: 01-21-08

TO: Reed away Park
ATT: Dan Leach
RE: Fence Estimate

Scope of Work:
6' Cedar Wood Fence 369'

Specifications:

Post:	4x4x8 ACQ
Rails:	2x4x8 ACQ (3ea per section)
Face Boards:	1x8x6 Cedar
Nails:	Ring Shank

Sub Total:	\$6,934.32
Tax:	\$436.86
Total:	\$7,371.18

Options:

- 1) Metal Post: \$850.08 adds to total
- 2) Cedar Rails: \$534.79 adds to total

Note: 8' Wood Fence No Bid

If you have any questions please do not hesitate to call.

Sincerely

Doug Claxton
#990-4589



4901 N. Broadway
Wichita, Kansas 67219
316-838-6194
FAX: 316-838-0762

SALESMAN <i>Ken</i>		DATE <i>1/25/07</i>
PHONE NUMBER	PHONE-JOB SITE	FAX NUMBER
EXT.	ATTENTION	QUOTE GOOD FOR <i>15</i> DAYS
MOBILE # <i>204-9900</i>		

PROPOSAL TO: *Don Leach*

JOB ADDRESS: *2635 S Hydraulic* CITY: *Wichita* STATE: *Ks* ZIP: _____

NEAR: North / South of _____ East / West of _____
(CIRCLE ONE) (CIRCLE ONE)

Billing Address:
(if different)

ZIP: _____

UTILITY STAKING	COMPLETED	UPDATED
LOG #:		

Alternate 1) 8' on wood Posts - 12,808.00
Alternate 2) 6' on steel Posts - 10,041.00
Alternate 3) 8' on steel Posts - 14,790.00

INSTALL:
<input type="checkbox"/> Level
<input type="checkbox"/> Straight Top
<input type="checkbox"/> Contour
SPECIAL TOOLS:
<input type="checkbox"/> Welder
<input type="checkbox"/> Torch
<input type="checkbox"/> Other
(Approximate #s)
Jackhammer:
of holes
Core Drill:
of holes
Air Drill:
of holes
SETS:
Standard <input checked="" type="checkbox"/>
Special
LINES:
X
Width Depth
TERMS:
X
Width Depth
GATES/SHADES:
X
Width Depth

SPECIAL INSTRUCTIONS: *All fence lines must be cleared of obstructions*
All digging to be 10' deep - Must be 2' off utilities

POSTS		
GATE / TERM / CORNER		
QUANTITY	O.D. / SIZE	TYPE

FABRIC				LINE POSTS		RAIL			BARB WIRE				BARBS	
FOOTAGE	HEIGHT	GAUGE	SELVAGE	TUB S20 S40		TUBE S20 S40			# OF STR.	UP	OUT	IN	UP	DOWN
				O.D.	SPACED	TOP	MID	BTM						

WOOD		CEDAR		STOCKADE		REDWOOD	
FOOTAGE	HEIGHT	TYPE/SIZE	#	TYPE/SIZE	#	TYPE/SIZE	#
364	6	1 1/2 x 6 DE Cedar	3			1 1/2 x 6 DE Cedar	3

QUANTITY			GATES		FRAME			
SINGLE	DOUBLE	ROLL	WIDTH	HEIGHT	FRAME STYLE	HINGE	LATCH	CLOSER
			4 x 6		Arched Frame			

QUANTITY			GATES		FRAME			
SINGLE	DOUBLE	ROLL	WIDTH	HEIGHT	FRAME STYLE	HINGE	LATCH	CLOSER
			4 x 6		Arched Frame			

QUANTITY			GATES		FRAME			
SINGLE	DOUBLE	ROLL	WIDTH	HEIGHT	FRAME STYLE	HINGE	LATCH	CLOSER
			4 x 6		Arched Frame			

QUANTITY			GATES		FRAME			
SINGLE	DOUBLE	ROLL	WIDTH	HEIGHT	FRAME STYLE	HINGE	LATCH	CLOSER
			4 x 6		Arched Frame			

By execution of this document, Buyer acknowledges that he has read and understands the terms and conditions set forth on the reverse and front side hereof and within any attachments.
Wichita Fence Co., Inc. agrees to locate underground utilities that can be marked by DigSafe. This does not include any gas, water, sewer, underground sprinkler systems that may exist upon the buyers property. The buyer shall indemnify and hold harmless Wichita Fence Co., Inc. for the cost of said repairs in the process of digging.
Buyer agrees that if rock is encountered, a special per hole digging charged may be assessed.

Submitted by Seller: *Wichita Fence Co.* Date: *1/25/07*

Color: _____	Base _____	FABRIC:	TENSION WIRE:	FRAMEWORK:
<input type="checkbox"/> Type _____	Pattern _____	<input type="checkbox"/> PVC Coated	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Painted
	Lock _____	<input type="checkbox"/> Hot Dipped Galv.	Gauge: _____	<input type="checkbox"/> Galv. Inside / out
		<input type="checkbox"/> _____	<input type="checkbox"/> Brace & Truss	<input type="checkbox"/> PVC coated
<input type="checkbox"/> Line Stake Set by Buyer	<input type="checkbox"/> Haul Away Existing Fence	<input type="checkbox"/> Other: _____		
<input type="checkbox"/> Fence on Line	<input type="checkbox"/> Take Down Existing Fence	Distance Inside Line _____		
FOR THE SUM OF			\$ <i>Price includes</i>	
TAX			\$ <i>all applicable</i>	
BLDG. PERMIT			\$ <i>Tax</i>	
TOTAL			\$ <i>8016.00</i>	
DOWN PAYMENT			\$	
BALANCE DUE			\$	
Terms: Cash Upon Completion				
Accepted by Buyer: _____ Date: _____				
Accepted by Buyer: <i>177</i> Date: _____				

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
2612 East 13th St. N. (District I)

INITIATED BY: Office of Central Inspection

AGENDA: Unfinished Business

Recommendations: Take appropriate action based on testimony received during the review hearing.

Background: This property was before the Board of Code Standards and Appeals (BCSA) on May 5, 2007. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

On July 17, 2007 this case was before City Council. City Council directed that the owner be granted an additional sixty days to complete the exterior repairs. If repairs were not completed, staff was directed to proceed with condemnation, demolition and removal of the structure.

On February 6, 2008 Council Member Lavonta Williams directed staff to bring this back before City Council within thirty days. Council Member Williams also directed the owner to place half of the estimated cost of demolition into escrow with the City, and that full payment for asbestos survey and removal be made.

Analysis: Staff made an inspection of the property on February 14, 2008. No repairs have been made to the structure. The structure has an open west basement window and first floor window. A large dumpster containing construction debris was on the premises. At the time of inspection, the premise conditions were compliant to city code.

As of February 19, 2008, payments have not been received for asbestos survey and removal, and no escrow funds have been provided by the owner. The 2007 taxes are delinquent in the amount of \$403.56, which includes specials. There is a 2007 special assessment for boardup in the amount of \$279.49.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: The owner/s have been informed of the date and time of the hearing.

Recommendations/Actions: It is recommended that the City Council take appropriate action based on the testimony received at the hearing. Any extension of time granted to repair the structure should be conditioned on the following: (1) Taxes are paid within ten days of the hearing, (2) the structure is maintained secure as of March 4, 2008 and is kept secured during renovation; and (3) the premise kept clean and free of debris as of March 4, 2008, and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolution published once in the official city paper and advise the owners of these findings.

Attachments: None

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for **Twenty (20)** Paving Projects in July, 2008 Bond Sale Series 794 (Districts I, II, III, IV, V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The Council was notified on *February 5, 2008* that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published *February 8, 2008* in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing of both the informal and formal public hearing regarding the proposed special assessments were mailed to owners on February 8, 2008. Department of Finance and Public Works staff held an informal hearing *February 25, 2008 at 11:00 a.m.* for the paving projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on March 21, 2008. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2008 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2008 tax roll.

Goal Impact: The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

Legal Considerations: These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

Paving Projects:		
472-84215	64.44% Petition	Improving 30 th St., Custer, St. Paul
472-84298	54.22% Petition	Improving Mascot
472-84299	61.22% Petition	Improving University, Maple Lane to Arapaho
472-84416	75.67% Petition	Improving 50 th St. South, Osage, Osage Cir

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

Attachments: Special assessments projects list.

HEARING ON PROPOSED ASSESSMENTS FOR IMPROVING PAVING PROJECTS

On February 5, 2008, the Council was notified that the proposed assessment rolls for improving of paving projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

PAVING PROJECTS:

- a. (490-136/472-83626) IMPROVING SUNVIEW, ELLIS, MARIE & 44TH STREET SOUTH (West of Hydraulic, South of 44th Street South), as authorized by Resolution No. R-04-060, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$134,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District III)
- b. (490-127/472-84105) IMPROVING AKSARBEN, AUTUMN RIDGE, KIWI, & DECKER (North of 13th, West of 135th Street West), as authorized by Resolution No. R-04-560, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$316,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District V)
- c. (490-048/472-84206) CONSTRUCTING AN ACCEL/DECEL LANE ON THE SOUTH SIDE OF 21ST STREET NORTH (South of 21st, West of Greenwich), as authorized by Resolution No. R-05-248, rescinded by R-06-194, rescinded by R-06-426, adopted May 3, 2005, April 25, 2006 & August 15, 2006, and published May 6, 2005, April 27, 2006 & August 18, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$251,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)
- d. (490-057/472-84215) IMPROVING 30TH ST., CUSTER, CHASE, ST. PAUL (South of Pawnee, West of Meridian), as authorized by Resolution No. R-05-303, adopted June 7, 2005, and published June 10, 2005, corrected & republished July 14, 2005. Petition for this improvement was signed by owners representing 64.44% of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$103,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis. (District IV)
- e. (490-110/472-84227) IMPROVING JADE AVE., SUNFLOWER DR., CEDARDALE AVE., (South of 63rd St. South, West of Clifton), as authorized by Resolution No. 05-606, adopted November 15, 2005, and published November 21, 2005. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$426,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District III)
- f. (490-059/472-84241) IMPROVING 26TH ST.CIRCLE NORTH INCLUDING THE CUL-DE-SAC (South of 29th St. N., West of Greenwich), as authorized by Resolution No. 05-319, adopted June 14,

2005, and published June 17, 2005. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$224,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.(District IV)

- g. (490-121/472-84246) IMPROVING MAINSGATE, EAGLE, WOODRIDGE, DAVIN CIR., INCLUDING THE EMERGENCY ACCESS EASEMENT, CUL-DE-SAC & SIDEWALK (North of 21st, West of 127th St. East), as authorized by Resolution No. 05-420, rescinded by 05-499, rescinded by 06-421, adopted August 9, 2005, October 4, 2005, August 8, 2006, and published August 12, 2005, October 7, 2005, August 11, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$432,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)
- h. (490-090/472-84271) IMPROVING TARA FALLS, TARA FALLS CT., PAWNEE, WILLOWGREEN/WILLOWGREEN CIR., WILLOWGREEN CT., CASA BELLA INCLUDING THE CUL-DE-SAC (North of Pawnee, West of 127th St. East), as authorized by Resolution No. 05-681, adopted December 20, 2005, and published December 29, 2005. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$375,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)
- i. (490-107/472-84297) IMPROVING ZIMMERLY COURT INCLUDING THE CUL-DE-SAC (North of Harry, West of 127th St. East), as authorized by Resolution No. R-05-550, adopted November 1, 2005, and published November 5, 2005. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$90,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)
- j. (490-085/472-84298) IMPROVING MASCOT (North of 29th Street North, West of Arkansas Ave.), as authorized by Resolution No. 05-544, adopted November 1, 2005, and published November 4, 2005, corrected & republished December 11, 2006. Petition for this improvement was signed by owners representing 54.22% of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$228,700.00 is to be apportioned 90% payable by the improvement district; 10% payable by the City At Large to the improvement district. The cost has been assessed on a square foot basis. (District VI)
- k. (490-086/472-84299) IMPROVING UNIVERSITY, MAPLE LANE TO ARAPAHO (South of Maple, East of Ridge), as authorized by Resolution No. 05-543, rescinded by 07-264, adopted November 1, 2005, rescinded April 24, 2007, and published November 4, 2005, April 26, 2007. Petition for this improvement was signed by owners representing 61.22% of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$102,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District V)
- l. (490-120/472-84324) IMPROVING MARBLEFALLS, HOBBY, MANTANE & INCLUDING SIDEWALK (North of 45th St. North, West of Hillside), as authorized by Resolution No. 05-595,

adopted November 8, 2005, and published November 17, 2005. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$438,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District I)

- m. (490-096/472-84364) IMPROVING BAYSIDE CT., WEST ST., BAYSIDE, PARADISE/PARADISE CT., INCLUDING THE CUL-DE-SAC (West of West St., North of 21st), as authorized by Resolution No. 06-040, adopted January 24, 2006, and published January 27, 2006, corrected & republished February 21, 2006 & February 24, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$776,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District V)
- n. (490-148/472-84393) IMPROVING ONEWOOD, CITYVIEW, CITY VIEW CIR., CITY VIEW CT., INCLUDING THE CUL-DE-SAC (South of Maple, East of 151st St. West), as authorized by Resolution No. 06-140, rescinded by 07-130, adopted March 21, 2006 & February 13, 2007, and published March 23, 2006 & February 15, 2007. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$410,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District V)
- o. (490-119/472-84404) IMPROVING WILSON ESTATES CT., WATER DISTRIBUTION NO. 448-90191 & LATERAL 89, MAIN 22, WAR INDUSTRIES SEWER 468-84181 (South of 21st, West of Webb), as authorized by Resolution No. 06-205, 06-206 & 06-207, rescinded by 06-330, adopted May 2, 2006 & June 6, 2006, and published May 4, 2006 & June 8, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$267,700.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)
- p. (490-125/472-84416) IMPROVING 50TH ST. SOUTH, OSAGE/OSAGE CIRCLE, INCLUDING THE CUL-DE-SAC & SIDEWALKS (South of 47th Street South, East of Seneca), as authorized by Resolution No. R-06-348, rescinded by Resolution No. R-06-462, adopted June 6, 2006 & September 12, 2006, and published June 8, 2006 & September 15, 2006. Petition for this improvement was signed by owners representing 75.67% of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$221,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District IV)
- q. (490-123/472-84423) IMPROVING MT. VERNON, TRIPLE CROWN, MT. VERNON CT., INCLUDING THE CUL-DE-SAC & SIDEWALKS (East of 127th Street East, North of Pawnee), as authorized by Resolution No. 06-373, adopted June 27, 2006, and published June 30, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$433,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)

- r. (490-122/472-84425) IMPROVING MICHELLE (West of 127th Street East, North of Pawnee), as authorized by Resolution No. R-06-369, adopted June 20, 2006, and published June 22, 2006. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$49,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District II)

- s. (490-138/472-84471) CONSTRUCTING PAVEMENT ON THE SOUTH 100 FEET OF THE NORTH-SOUTH ALLEY (North of Pawnee, between Ida and Laura), as authorized by Resolution No. 06-584, adopted November 7, 2006, and published November 10, 2006 corrected & republished December 8, 2006 & December 27, 2006 & January 5, 2007. Petition for this improvement was signed by owners representing 1 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$22,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis. (District III)

- t. (491-022/472-84536) FACADE IMPROVEMENTS AT 208 S. MARKET (East of Market, South of William), as authorized by Resolution No. 07-223, adopted April 3, 2007, and published April 5, 2007. Petition for this improvement was signed by owners representing 0 of the property ownership. The Statement of Cost approved December 11, 2007 in the amount of \$280,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis. (District III)

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council

SUBJECT: 2009 Federal Legislative Agenda

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the Federal Agenda.

Background: Each year City Departments are asked to submit requests for federal legislative assistance. The City Council was provided with staff's list of requests at its February 12, 2008 Workshop. The Council reviewed the list and discussed adding other issues of importance to the list and then prioritizing the requests. The Federal Legislative Agenda will be provided to the Federal Delegation in March for review and consideration.

Analysis: The Proposed Federal Legislative Agenda contains requests for appropriations relating to rail and surface transportation, drainage, public safety, park and recreation, aviation and water quality. Based upon the direction provided by the City Council, staff will finalize the 2009 Federal Legislative Program and prepare a document describing the requests. This document will be provided to the Federal Delegation in March 2008. Communication with the Delegation will continue throughout the year to assure that the City's needs are communicated effectively and appropriate information is provided.

Financial Considerations: Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds when necessary. City staff will attempt to provide matching funding as necessary based upon Council approval.

Goal Impact: On January 4, 2006, the City Council adopted five (5) goals for the City of Wichita. They include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life and Support a Dynamic Core Area and Vibrant Neighborhoods. The issues in this Proposed Federal Legislative Agenda address all five goals.

Legal Considerations: Should federal funding be secured, contracts and/or memorandums of understanding will be initiated as appropriate.

Recommendation/Action: It is recommended that the City Council approve the 2009 Federal Legislative Program.

2009 Appropriation Requests For Federal Legislation

HIGHWAY PROJECTS

I-235/US 54 and Central Avenue/I-235 Interchanges (PRIORITY PROJECT)

47th Street South, I -135 to Broadway

Noise Abatement for K-96, I-235 and Meridian Avenue Interchange (Sherwood Glen and Meridian Gardens Additions)

WATER UTILITIES

Equus Beds Aquifer Storage and Recovery Project (PRIORITY PROJECT)

RAILROAD PROJECTS

21st Street North Railroad Overpass (PRIORITY PROJECT)

Railroad Corridor (BNSF and UP Crossings at Pawnee)

DRAINAGE PROJECTS

Dry Creek Overflow, Drainage Study and Mitigation

Wichita Area Drainage Master Plan (PRIORITY PROJECT)

POLICE DEPARTMENT

Police Department Helicopter (MD 500E Helicopter)

DEPARTMENT OF PUBLIC WORKS

Security System for Major City Buildings (PRIORITY PROJECT)

PARK DEPARTMENT

Botanica, The Wichita Gardens, Children's Garden

AIRPORT AUTHORITY

Wichita Mid-Continent Airport Terminal Area Redevelopment Program
Airfield Ramp Pavements

Wichita Mid-Continent Airport Terminal Area Redevelopment Program
Explosives Detection Inline Baggage Screening and Security Systems

ENVIRONMENTAL SERVICES

Arkansas River Water Quality Assessment, Improvement and Protection Project

CITY MANAGER ARTS AND CULTURAL SERVICES DIVISION

Cowtown Opera House

HOUSING

New Communities: A strategy to support and enhance successful families and
Their communities.

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members
SUBJECT: Petitions to Renovate Building Facades in the Core Area (Districts I & VI)
INITIATED BY: City Manager's Office
AGENDA: New Business

Recommendation: Approve the petitions, adopt the resolutions, establish March 18, 2008 as the date for a formal public hearing.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for property owners to improve their buildings. Low interest, fifteen-year loans were made available to owners of buildings with frontage on Douglas Avenue, between Seneca and Washington.

On March 21, 2006, as part of approving two facade improvement projects, the City Council asked that the Facade Improvement Program be returned on a future agenda to consider expanding the program boundaries and providing additional funding. On August 1, 2006, the City Council approved expanding the program to target the commercial areas listed below:

- Downtown Self-Supporting Municipal Improvement District (SSMID)
- Center City
- Douglas, from Washington to I-135
- Delano
- Midtown
- 21st Redevelopment Area (International Marketplace)
- South Central (South Broadway area)
- McAdams
- Central Northeast

On January 15, 2008, the City Council conceptually approved a request from Real Development for exterior improvements to seven high-rise buildings in the downtown area. The request would result in the issuance of special assessment debt against the subject buildings. The seven projects have received approval of the Design Review Committee and the Historic Preservation Board. The buildings are:

- The Kaufman Building – 212 South Market
- The Landmark Square Building – 212 North Market
- The Farmers and Bankers Building – 200 East 1st
- The Orpheum Building – 200 North Broadway
- The Petroleum Building – 221 South Broadway
- Sutton Place – 209 East William
- SC TelCom – 125 North Market

Analysis: The City has approved many facade improvement projects since the creation of the Facade Improvement Program, including some high-rise building facades. This request is unique due to the size of the request. Total cost for all the facade improvements combined is projected to be \$7,831,690 (exclusive of financing costs).

Petitions to Renovate Building Facades in the Core Area (Districts I & VI)

March 4, 2008

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The amount is slightly different than the amount presented to the City Council on January 15th. The table below itemizes the costs.

BUILDING	CONSTRUCTION	ARCHITECT & ENGINEER	REAL DEV PROJ MGR	10% CONTINGENCY	PW ADMIN FEE (2%)	TOTAL
SC TelCom	\$ 3,726,983	\$ 111,809	\$ 124,120	\$ 383,879	\$ 76,775	\$ 4,423,566
Sutton Place	1,805,146	54,154	60,117	185,930	37,186	2,142,533
Petroleum	445,387	13,362	14,833	45,875	9,175	528,632
Orpheum	167,433	5,023	5,576	17,246	3,449	198,727
Landmark	285,554	8,567	9,510	29,412	5,882	338,925
Farmers & Bankers	142,921	4,288	4,760	14,721	2,944	169,634
Kaufman II	25,000	750	833	2,575	515	29,673
TOTAL	\$ 6,598,424	\$ 197,953	\$ 219,749	\$ 679,638	\$ 135,926	\$ 7,831,690

This project will utilize a slightly different process than normal special assessments. The protest period that normally comes at the end of a completed project (after there is a final statement of cost) will instead take place on the front end. For this reason, a *maximum assessment amount* is provided, which cannot be exceeded. Therefore, a 10% contingency is included in the estimated costs. An administrative charge for the City that is part of the Facade Improvement Program is also included. A summary for each building follows:

The **Kaufman Building** is a four story building with 31,250 s.f. located at 208 S. Market. Owners have already invested in substantial tenant improvements. Projected cost for the facade improvements on this building is \$29,673 (increasing to \$40,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The **Landmark Square Building** is a five story office building with 46,500 total s.f. located at 212 N. Market. Owners have already invested in tenant improvements, common area remodeling, and technology infrastructure enhancements. Projected cost for the facade improvements on this building is \$338,925 (increasing to \$440,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The **Farmers and Bankers (F&B) Building** is a five story office building with 25,018 s.f. located at 200 E. First. Owners have already invested in tenant improvements, common area remodeling, and technology infrastructure enhancements. Projected cost for the facade improvements on this building is \$169,634 (increasing to \$225,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The **Orpheum Building** is a seven story office building with 44,506 s.f. located at 200 N. Broadway. Owners have already invested in interior improvements, including technology infrastructure and common area remodeling. Projected cost for the facade improvements on this building is \$198,727 (increasing to \$260,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

The **Petroleum Building** is an eight story office building with a total of 44,804 s.f. located at 221 S. Broadway. Owners have already invested in technology and common area improvements. Projected cost for the facade improvements on this building is \$528,632 (increasing to \$690,000 with estimated financing costs). The proposal assumes 15-year special assessment financing.

Petitions to Renovate Building Facades in the Core Area (Districts I & VI)

March 4, 2008

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Petitions to Renovate Building Facades in the Core Area (Districts I & VI)

March 4, 2008

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The **Sutton Place** is an eight story building (plus a basement and penthouse) with a total 92,000 s.f. located at 209 E. William. Owners have already invested in technology and common area improvements. Projected cost for the facade improvements on this building is \$2,142,533 (increasing to \$2,720,000 with estimated financing costs). The proposal assumes 20-year special assessment financing.

The **SC TelCom Building** is a nineteen story building with 312,875 s.f. located at 125 N. Market. The owners have begun interior improvements, remodeling common areas, adding technology infrastructure, replacing the roof, and various tenant improvements. The old hotel space will be converted to office space. Projected cost for the facade improvements on this building is \$4,423,566 (increasing to \$5,630,000 with estimated financing costs). The proposal assumes 20-year special assessment financing.

Improvements to the Kaufman, F&B, Landmark, and Orpheum buildings are more general and involve improvements such as masonry repair, tuckpointing, cornice repair, power washing, exterior painting, and window and door repair/replacement. In addition to simply having more exterior surface because of the larger size of the buildings, improvements to the Petroleum, Sutton Place and SC TelCom buildings are more substantial, changing the entire exterior appearance of the building on some sides to create a visually stimulating impact to travelers entering the downtown area.

Each building improvement project will require a separate special benefit district to be established. State law requires a formal public hearing to establish a special assessment benefit district. Petitions and resolutions have been prepared for each project (attached). All may share the same public hearing. The resolutions provide for March 18, 2008 to be identified as the date of the formal public hearing.

Real Development has requested the project include development fees of up to 10% of the project cost for each building. To include development fees would be an exception to the City's normal special assessment policy and the fees are not included.

Financial Considerations: The combined project budget for all buildings to be paid by special assessments is estimated at approximately \$10 million. These will be General Obligation Taxable Special Assessment Bonds, paid as to principal and interest with special assessments levied against the improved properties (if available) and will be backed by the full faith and credit of the City of Wichita. Staff have been working with Bond Counsel (Kutak Rock) and a Financial Advisor (Springsted) to perform due diligence with regard to the City's risk and how the bonds would be structured. Included in the issue will be a one year debt service reserve and a small financing contingency to mitigate risk and ensure the maximum assessment is not exceeded. Also, interest rates have been cautiously assumed at 6.75% for permanent financing. The following table identifies the estimated financing costs per facade project:

BUILDING	Total Net Bond Proceeds	Estimated Financing Costs	Total Principal
SC TelCom	\$ 4,423,566	\$ 1,206,434	\$ 5,630,000
Sutton Place	2,142,533	577,467	2,720,000
Petroleum	528,632	161,368	690,000
Orpheum	198,727	61,273	260,000
Landmark	338,925	101,075	440,000
Farmers & Bankers	169,634	55,366	225,000
Kaufman II	29,673	10,327	40,000
TOTAL	\$ 7,831,690	\$ 2,173,310	\$ 10,005,000

Petitions to Renovate Building Facades in the Core Area (Districts I & VI)

March 4, 2008

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The City Council's action today approving the petitions and adopting the resolutions requires the determination of a "not to exceed" amount for each special assessment district. Amounts included in the petitions and resolutions distributed with this agenda report do not include development fees.

Goal Impact: The goal for Economic Vitality and Affordable Living is advanced through the use of special assessment financing to partner with and leverage investment from developers to create commercial and residential economic value within the City. This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal by facilitating improvements to privately owned buildings.

Legal Considerations: State statutes provide the City Council authority to use special assessment funding for the projects. A formal public hearing is required as part of the approval process. The petitions approved and resolutions adopted today will set the maximum amount for each special assessment district. Actual amounts to be special assessed at the completion of construction may be less, but they may not exceed the amounts included in the petitions and resolutions.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions, authorize the necessary signatures, and establish the public hearing.

*Attachments: Map
 Petitions (7)
 Resolutions (7)

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR SWIMMING POOL RENOVATION AND IMPROVEMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

Labor, Material, and Equipment for the Interior bathhouse renovations at Harvest pool, waterslide at Aley pool, diving stand replacement at Boston and Linwood pools, diaper changing stations at all pools. Chemical controllers will be updated at Aley, Evergreen, Linwood, McAdams, Minisa and Orchard pools.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$100,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

SECTION 5: That this resolution shall repeal and replace Resolution numbers 06-684 through 06-694 adopted on December 19, 2006.

ADOPTED at Wichita, Kansas, this _____ day of _____, 2008.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

City Of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: Four Mile Creek Sewage Treatment Plant Improvements - Design/Build
(District II)

INITIATED BY: Water Utilities

AGENDA: New Business

Recommendations: Authorize Staff to solicit proposals for the design and construction of improvements to Four Mile Creek Sewage Treatment Plant.

Background: In 2001, the Water Utilities purchased the entire wastewater treatment and collection system infrastructure owned by Sedgwick County. The sewage treatment facility, Four Mile Creek, was upgraded to include updated treatment components allowing the facility to meet regulatory limits for nutrients. Capacity at this facility was doubled to accommodate area growth.

Analysis: Growth in northeast Wichita has caused the amount of flow to the facility to exceed planning predictions. As a result, the treatment plant is at flow levels that were predicted for the year 2010. In addition, solids handling, effluent disinfection and a needs assessment/design for effluent pumping will be addressed, as there are operational problems in those areas.

The project will involve the construction and installation of process equipment to increase the treatment capacity of the system from three million gallons per day (MGD) to six MGD. The increase should accommodate growth in the area through the year 2050. This expansion will incorporate technologies for the removal of nutrients, which will be required in future permits. Ultraviolet disinfection will also be a component of this project.

Four Mile Creek is the only sewage treatment facility operated by Water Utilities that uses chlorine for effluent disinfection. By changing technologies, safety and health risks associated with the use of chlorine will be eliminated, and the Water Utilities will be exempted from regulations governing the use of chlorine.

Solids handling operations will be addressed; they are costly and labor intensive. Water Utilities will reduce the time spent in the transportation of solids by 71 percent by adding technology suggested in the solids master plan update. The modifications will allow the cessation of introducing solids into the collection system, thus reducing the potential for sewer stoppages and overflows.

The last major item is the evaluation of alternatives for discharging water during wet weather events. Periods of high water flow in Cowskin Creek can restrict discharge to the creek. This project will analyze the potential to cause problems with the treatment process and will assess the need for effluent pumping, or storage, as a resolution to the treatment process.

Staff believes an aggressive schedule is to be pursued due to growth in northeast Wichita. By using design/build methodology in construction of the upgrade, Water Utilities will be able to ensure capacity for customer growth and uninterrupted permit compliance.

Financial Consideration: Estimated cost for the project is \$10,400,000. Funds have been budgeted in CIP S-530, Four Mile Creek Plant Improvements. Funding will be provided by Water Utility revenues and reserves, and/or a future revenue bond issue.

Goal Impact: This project addresses ensuring efficient infrastructure by helping to assure the reliability and security of the Water Utilities.

Legal Considerations: City Council authorization is required to initiate CIP project funds. Charter Ordinance 111 requires City Council approval for a “design/bid” project prior to sending Requests for Proposals. Law has approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council: 1) approve the design/build project; 2) authorize initiation of CIP funds; 3) adopt the Resolution; 4) authorize Staff to proceed with the RFP; and 5) authorize the necessary signatures.

Attachments: Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY, AND TO ISSUE REVENUE BONDS IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$10,400,000 EXCLUSIVE OF THE COST OF INTEREST ON BORROWED MONEY, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the Governing Body of the City of Wichita, Kansas (the "City"), has heretofore by Ordinance No. 39-888, adopted May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the "City of Wichita, Kansas Water and Sewer Utility"; and

WHEREAS, the Governing Body of the City, has heretofore by Ordinance 47-481, adopted May 15, 2007 and published in the official newspaper of the City on May 23, 2007, as required by law, authorizing the name change of the City of Wichita, Kansas Water and Sewer Utility to now be known as "Wichita Water Utilities" (herein sometimes referred to as the "Utility"; and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 et seq., (the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water Utilities, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, Four Mile Creek Plant Improvements (S-530) (the "Project"). The total costs of the Project are estimated to be ten million four hundred thousand dollars (\$10,400,000) in 2008 exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.

SECTION 2. It is hereby found and determined that the construction of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

SECTION 3. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed ten million four hundred thousand dollars (\$10,400,000) in 2008 exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

SECTION 4. It is hereby found and determined to be necessary, before such revenue bonds can be issued, to publish one time in the City's official newspaper a Notice of the Governing Body's intention to initiate and complete the Project and to issue such revenue bonds, such Notice to be in the form which is attached hereto and made a part hereof by reference as though fully set forth herein. If, within Fifteen (15) days from and after the date of the publication of the Notice, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of

the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If a sufficient protest to the Project and the issuance of the revenue bonds is not filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the sale and issuance of the revenue bonds.

SECTION 5. This Resolution shall be in force and take effect from and after its adoption and approval.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, Kansas, not less than two-thirds of the members voting in favor thereof, on _____, 2008.

(Seal)

CARL BREWER, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

By _____
GARY E. REBENSTORF, Director of Law

(Published in the Wichita Eagle, on _____, 2008.)

NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$10,400,000, FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-_____, duly adopted _____, 2008, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water Utilities which is owned and operated by the City, such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, Four Mile Creek Plant Improvements (S-530) (called the "Project"). The total costs of the Project are estimated to be ten million four hundred thousand dollars (\$10,400,000). The making of the Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

You are hereby further notified that in order to provide financing for certain costs of the Project, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds in a total principal amount which shall not exceed \$10,400,000 under the authority of K.S.A. 10-1201 et seq., as amended and supplemented. Such revenue bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Water Utilities. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the City which will be available for that purpose.

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than twenty percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____, 2008.

/s/ CARL BREWER, Mayor

ATTEST:

/s/ Karen Sublett, City Clerk

DRAFT: 2/28/08

**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: Performance/Reception Facility - Cowtown (District VI)

INITIATED BY: Submitted at the request of Vice-Mayor Fearey and Council Member Schlapp by the Office of City Manager

AGENDA: New Business

Recommendation: This agenda item has been prepared by city staff at the request of Vice-Mayor Fearey and Council Member Schlapp. The City Manager makes no recommendation on this item.

Background: The Old Cowtown Museum began as a preservation project in the late 1940s with the City of Wichita (COW) becoming involved shortly after the first two buildings were acquired. The museum quickly grew from a preservation project into a living history museum of over 60 structures. For most of the last 30 years the Museum was operated by the nonprofit organization, Historic Wichita-Sedgwick County, Inc., with subsidies from both COW and Sedgwick County on land owned by COW.

Recent developments concerning Cowtown include:

- 1) The Old Cowtown Museum Visitor's Center, constructed and opened in 2005, was designed to be both a visitor center and multipurpose space available for rent. This \$2 million facility was financed with \$825,000 each from the city and county and the balance from donated funds.
- 2) In 2005, Sedgwick County contracted for \$100,000 with Museum Management Consultants, Inc. of California to develop a short- and long-range plans for Old Cowtown Museum.
- 3) In August of 2007, the Wichita City Council took action to assume control of Old Cowtown Museum and all obligations for operating the Museum by:
 - approving the termination of a 99-year lease with Historic Wichita-Sedgwick County, Inc.;
 - authorizing up to 16 city positions and related operational budget for the operation of Cowtown; and
 - authorizing the negotiation of a lease with the Prairie Wranglers.

The City of Wichita began formally operating the Museum in September of 2007. The operation of Cowtown by the City is projected to run a deficit of as much as \$545,870 in 2008 and \$851,130 in 2009, due largely to an anticipated reduction in support from Sedgwick County (\$219,000 in 2008 and \$519,000 in 2009), as indicated in the following table:

Cowtown Operations: 2008 and 2009 Revised Budgets		
	<u>2008</u>	<u>2009</u>
Revenues	\$ 990,150	\$ 679,890
Expenditures	<u>\$1,536,020</u>	<u>\$1,576,820</u>
Surplus/(Deficit)	\$ (545,870)	\$ (851,130)

Analysis: In September of 2007, COW entered into an agreement with the Diamond W. Wranglers, and the group had a successful Christmas season performing at the Old Cowtown Museum Visitor's Center. To continue their success the Wranglers have advised they need a larger facility to accommodate dining and theatre seating of 400 to 600. A new performance and reception facility could be constructed on the Old Cowtown Museum Visitor's Center campus connecting the Visitor's Center to Historic Cowtown. This building would be approximately 14,000 square feet consisting of a seating and eating area, stage, audio and visual room, catering kitchen, storage room, restrooms, and ticket area. The building would be located on the campus and could be expanded at a later date to include a museum and gift shop or other river entertainment features.

The new building would be a pre-engineered metal building with a façade that blends with the historic Old Cowtown appearance. A Design/Build process is recommended due to the simple design, cost effectiveness the need to fast track the project so it is completed prior to November 1, 2008.

Financial Considerations: The projected cost of the Cowtown performance and reception facility is \$4 million. In order to finance the facility Vice-Mayor Fearey recommends that projects in the current Capital Improvement Plan be replaced or deferred, as follows:

- \$1.2 Million from the Lincoln Street Bridge (budgeted at \$1.2 million for 2009);
- \$1.0 Million from Rail Grade Separation (budgeted for 2009 at \$3.5 million); and
- \$.8 Million from Fleet Upgrades (budgeted at \$3.0 million for 2008 and 2009; \$400,000 each year for two years).

Vice-Mayor Fearey further recommends that the remainder of the money (\$1.0 million) be bonded, if necessary, and that payments on the bonds not covered by revenues from the facility be funded annually, one half from the Tourism and Convention funds and one half from the mill levy allocation for Arts and Culture.

Goal Impact: This would impact the Quality of Life goal by providing citizens with entertainment opportunities along the museums on the river.

Legal Considerations: No action required.

Recommendation/Action: City Manager makes no recommendation.



INTEROFFICE MEMORANDUM

TO: Mayor Brewer and Members of the City Council
FROM: Vice Mayor Fearey
SUBJECT: Cowtown Opera House
DATE: March 3, 2008

The Cowtown Historical Museum is a valued asset to Wichita citizens. It demonstrates the historical character which this City was founded upon and is a core component of the Museums on the River district. In order to continue investing in this community asset, it is recommended that the City Council approve the construction of a \$4,000,000 restaurant/theater building that could house performing artists, seminars, and conferences. This can be funded through shifting resources within the current CIP and reallocations from the cultural arts funding, the tourism and convention fund and the Opera House budget.

The following table reflects the total amount financed minus the cash financed portion through reduction of funding in CIP:

<u>Opera Housing Financing</u>		
Total Project Cost (Debt Financed)		\$ 4,000,000
Capital Improvement Projects		
21 st Street Rail Corridor	\$ (500,000)	
29 th Street Rail Corridor	\$ (500,000)	
Fleet Heavy Equipment Replacement	<u>\$ (800,000)</u>	
Subtotal CIP Projects		<u>\$(1,800,000)</u>
Total Amount to Bond		\$ 2,200,000

The following table estimates the annual resources necessary to cover the additional annual debt service:

Principal Amount of Bonds	\$ 2,200,000	Over 15 Years
Debt Service Payment	\$ 220,000	
Scheduled Transfer		
Cultural Arts Funding Transfer	\$ (50,000)	Over 15 Years
Tourism & Convention Fund Transfer	\$ (150,000)	Over 15 Years
Cowtown Opera House Operating Budget Transfer	\$ (20,000)	Over 15 Years

The following table estimates the annual operating budget including the transfer to the Debt Service Fund:

<u>Opera House Operating Budget (Attachment A1)</u>	
Revenues	\$ 211,020
Expenditures	\$ 77,160
Transfer to Debt Service Fund	<u>\$ 20,000</u>
Over/Under	\$ 113,860

Future Council Action:

Future recommended action from the City Council including: 1) Authorize staff to proceed with the Request for Proposals process; 2) Approve the design build project; and 3) Approve the financing options.

ATTACHEMENT A1
Old Cowtown Opera House Operating Budget

OL3		2008 Projected	2009 Projected
EXPENDITURES			
2100	Electricity	2,000	22,000
2102	Gas	2,000	10,000
2104	Water	580	3,500
2200	PBX Line Charges	40	40
2201	PBX Instrument Charges	150	150
2400	Building & Content Insurance	1,550	9,270
2508	Part-time Employees	2,000	11,000
2599	Other Contractuals	2,350	20,000
3901	Custodial Supplies	1,200	# 1,200
Expenditures		11,870	77,160
REVENUES			
9232	Gift Shop Revenue Avg. Spent	450	4,620
9233	Diamond W Wranglers		
	Performances	18,000	184,800
9238	Private Rentals		
	Opera House Rentals	-	21,600
Revenues		18,450	211,020
Transfer to Debt Service Fund			20,000
TOTAL OVER/(UNDER)		6,580	113,860



INTEROFFICE MEMORANDUM

TO: Vice-Mayor Fearey and Council Member Schlapp
FROM: Ed Flentje, Interim City Manager
SUBJECT: Proposed Cowtown Opera House
DATE: February 20, 2008

Finance staff has outlined three options and prepared estimates on financing the construction of a proposed Cowtown Opera House. The facility is projected to be a 16,000 square foot facility with a full service kitchen and gift shop and a construction cost of \$4,000,000. The following tables estimate annual deficits or surplus resulting from the three financing options:

	Option 1	Option 2	Option 3
Principal Amount of Bonds	\$4,000,000	\$4,000,000	\$4,000,000
Length of Repayment	15 years	20 years	Replace w/ CIP project
Debt Service Payment	\$411,850	\$348,740	\$0

Opera House Operating Budget			
Revenues	\$211,020	\$211,020	\$211,020
Expenditures	\$ 77,160	\$ 77,160	\$ 77,160
Over/Under	\$133,860	\$133,860	\$133,860

Debt Service	\$411,850	\$348,740	\$0
Operating Income	\$133,860	\$133,860	\$133,860
Surplus/(Deficit)	(\$277,990)	(\$214,880)	\$133,860

Options 1 and 2 are based on debt financing and would require the identification of additional resources. Option 3 would not require additional on-going resources, but would require the deferral of currently budgeted CIP projects. Two options for funding the annual costs (Options 1 and 2) include:

1. Transfer from Tourism and Convention Fund: Current projections for the T & C fund (attached) anticipate increasing fund balances. This is based on 2007 revenues, derived from the Transient Guest Tax, which out-performed projections. In addition, the fund will have an additional \$100,000 annually in expenditure capacity since budgeted convention incentive amounts are no longer necessary. An amount could be transferred from this fund to the Debt Service Fund to offset debt service costs of the Opera House. Charter Ordinance 183 allows T&C Fund monies to "...fund attractions deemed to have advantage or interest to the City of Wichita." The T&C fund has been used in the past to fund debt service on the convention center, the convention center garage and the Expo energy complex. Attachment A shows a five year projection for the fund, with up to an estimated \$300,000 in budgeted income available annually beginning in 2009.

2. Capture Portion of Cultural Arts Funding: The 2009 supplemental arts funding (above the “base” level of \$1.9 million in funding) is projected to be approximately \$1.2 million, an increase of \$215,341 over the amount currently committed in 2008. Attachment B illustrates the projected funding available through 2012 for cultural arts based on a 1 mill allocation. Assuming no growth in the 2008 allocations (assuming all tier I, tier II and tier III agencies are funded at identical levels as 2008), \$215,341 in the supplemental funding could be directed towards Opera House debt service (or to offset Cowtown operating budget deficits). Another option would be allocating a larger portion of the supplemental funding to tier I entities (which includes Cowtown).

Option 3, constructing the Opera House without unbudgeted debt service, would require a deferral or adjustment to the currently budgeted CIP. A list of projects that could be deferred is on Attachment C. These projects are focused on areas where preliminary work has not yet begun, or where local dollars are not being used to leverage federal contributions. Staff has identified three projects that could be deferred to fund the Opera House:

Lincoln Street Bridge - \$1.2 million - this project has a local share of \$1.2 million leveraging \$4.8 million in federal support. However, staff has been informed that this project will not be eligible for federal funding.

Grade Separation - \$2 million - this project is budgeted with \$15.5 million in local funds and \$10 million in Local Sales Tax funds over three years (2009-2011). At this point, the cost and scope of future grade separation projects is unresolved. Pending more concrete grade separation plans, a portion of this project could be shifted.

Fleet Heavy Equipment Replacement - \$.8 million - Beginning in 2007, the replacement costs of heavy equipment was shifted to the CIP (with \$23 million budgeted through 2016). This amount could be reduced; however the reduction would delay the replacement of aging heavy equipment, a portion of which is past industry standards life spans.

In addition to the deficit that will be created by building the Cowtown Opera House, operations at Cowtown are projected to run a deficit of as much as \$545,870 in 2008 and \$851,130 in 2009. These are largely due to an anticipated reduction in support from Sedgwick County (\$219,000 in 2008 and \$519,000 in 2009). These estimates do not assume the addition of any supplement cultural arts funding.

Cowtown Operations: 2008 and 2009 Revised Budgets		
	<u>2008</u>	<u>2009</u>
Revenues	\$ 990,150	\$ 679,890
Expenditures	\$1,536,020	\$1,576,820
Surplus/(Deficit)	\$ (545,870)	\$ (851,130)

Attachment A

Tourism and Convention Fund - Projection 2008 - 2012

	<u>2007</u> <u>ACTUAL</u>	<u>2008</u> <u>ADOPTED</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Revenue:							
Transient Guest Tax	5,708,522	5,393,760	5,822,690	5,939,140	6,057,920	6,179,080	6,302,660
Interest earnings	123,106	94,350	125,570	128,080	130,640	133,250	135,920
	<u>5,831,628</u>	<u>5,488,110</u>	<u>5,948,260</u>	<u>6,067,220</u>	<u>6,188,560</u>	<u>6,312,330</u>	<u>6,438,580</u>
Expenditures:							
CVB	2,089,778	2,202,510	2,202,510	2,301,390	2,405,210	2,514,220	2,628,680
Wichita Flight Festival	240,256	411,000	411,000	411,000	411,000	411,000	411,000
ABC Bowling Tournament	0	100,000	0	0	0	0	0
Other	60,390	240,390	145,440	110,450	110,450	110,450	110,450
Transfers:							
Century II O&M Losses	915,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Century II Renovations	120,000	565,000	400,000	400,000	400,000	400,000	400,000
Exisiting Debt Service:							
Energy Complex	250,390	239,210	239,210	0	0	0	0
Conference Center	1,215,000	1,215,000	1,215,000	1,220,000	1,220,000	1,220,000	1,220,000
Parking Garage	<u>320,220</u>	<u>324,520</u>	<u>324,520</u>	<u>324,190</u>	<u>326,440</u>	<u>334,570</u>	<u>337,600</u>
	5,211,033	6,297,630	5,937,680	5,767,030	5,873,100	5,990,240	6,107,730
Budgeted Income	620,595	(809,520)	10,580	300,190	315,460	322,090	330,850
Ending Fund Balance	2,013,640	1,716	2,024,220	2,324,410	2,639,870	2,961,960	3,292,810

Attachment B

Cultural Arts Funding 2007 - 2012

	2007	2008	2009	2010	2011	2012
<i>Estimated Value of One Mill</i>	2,833,710	2,992,305	3,141,921	3,286,763	3,431,709	3,596,088
<i>Base Level Funding(Tier I)</i>	1,914,080	1,914,080	1,914,080	1,914,080	1,914,080	1,914,080
<i>Increase to cover Personal Services</i>	-	-	186,450	192,044	197,805	203,739
<i>3% Inflation Adjustment</i>	-	-	-	-	-	-
<i>Subtotal</i>	1,914,080	1,914,080	1,914,080	1,914,080	1,914,080	1,914,080
<i>Estimated Supplemental Funding</i>						
<i>Contracts with Tier I Agencies</i>	289,000	375,000				
<i>Contracts with Tier II Agencies</i>	438,651	461,000				
<i>Contracts with Tier III Agencies</i>	<u>133,000</u>	<u>176,500</u>				
<i>Supplemental Funding contracts</i>	860,651	1,012,500				
<i>Unallocated</i>	<u>58,979</u>	<u>65,725</u>				
<i>Supplemental Funding</i>	919,630	1,078,225	1,227,841	1,372,683	1,517,629	1,682,008
<i>Supplemental Growth Over Previous Year</i>			215,341	360,183	505,129	669,508

Attachment C

2008-2009 GO Funded CIP Projects

Page #	Proj. #	Project Description	District	2008	2009
Arterials					
14	2	13th & Mosley (intersection)	6	600,000	-
14	4	13th, Hillside to Oliver	1	250,000	750,000
14	5	13th, I-135 to Hillside	1	250,000	750,000
14	6	13th, Oliver to Woodlawn	1	-	250,000
14	33	Arterial S/W & W/C Ramps	All	450,000	450,000
14	37	Bike Path, Gypsum Creek, W of Hillside	3	250,000	-
14	44	Greenwich, Central to 13th	2	2,800,000	-
14	58	Meridian, 47th to 55th	4	500,000	-
14	61	Mt. Vernon, Broadway to Ark River	3	4,000,000	-
15	71	Traffic Signalization	All	350,000	350,000
15	75	West, Maple to Central	4,6	4,500,000	-
Bridges					
17	2	15th @ Drainage Canal	1	400,000	-
17	5	31st @ Glenn	4	350,000	-
17	8	Broadway @ Big Slough	3	40,000	-
17	11	Delano @ Westlink	5	-	350,000
17	12	Douglas @ Brookside	2	35,000	-
17	14	Grove @ Frisco Ditch	1	1,000,000	-
17	16	Lincoln @ Ark River	3,4	-	1,200,000
17	17	Lincoln @ Armour	2	350,000	-
Economic Development					
19	2	Land Acquisition	All	1,500,000	-
19	3	Landbank	1,3,4,6	750,000	750,000
19	4	Land Grade Separations	All	-	3,500,000
19	6	21st/Broadway (intersection)	6	2,500,000	-
19	8	International Marketplace (NOMAR)	6	500,000	-
19	10	Wayfinding Signage	6	50,000	-
19	11	17th, Broadway to I-135	1,6	2,700,000	2,550,000
19	13	21st Overpass Final Design	6	-	1,700,000
19	15	21st, I-135 to Hillside Streetscape/Gateway	1	100,000	-
19	16	21st/BNSF Rail Crossings (4)	6	500,000	500,000
19	22	Gateway and Landscape E. of I-135 (D)	1	-	100,000
19	23	Park Place/Market 2-way conversion	6	500,000	-
19	25	West Area Gateways (D)	6	-	100,000
19	28	21st, Woodland to Broadway	6	-	250,000
20	60	13th N. Median & Turn Lanes	1	-	56,000

2008-2009 GO Funded CIP Projects

Page #	Proj. #	Project Description	District	2008	2009
Parks					
24	1	Athletic Courts	All	110,000	110,000
24	3	Central & Greenwich	2	100,000	-
24	8	Chapin Park	3	700,000	-
24	9	Chisholm Creek Lake	1	-	750,000
24	10	College Hill Park	2	-	200,000
24	11	Country Acres Park	5	150,000	-
24	33	Heritage Square Park	1	-	75,000
24	34	Ice Sports Facility	All	160,000	-
24	35	Irrigation Systems Replace/Upgrade	All	200,000	200,000
24	36	Land Acq. & Development	All	350,000	350,000
24	37	Linwood Park	1	500,000	-
24	38	Minisa Park	6	250,000	-
24	39	Naftzger Park	1	-	200,000
24	41	Park Facilities Renovation	All	200,000	200,000
24	42	Park Lighting	All	100,000	100,000
24	44	Parking Lots & Entry Drives	All	300,000	300,000
24	45	Playground Rehab/Development	All	100,000	100,000
24	46	Sim Park	6	-	300,000
24	47	Swimming Pools Refurbishment	All	100,000	100,000
Public Facilities					
27	3	Central Maint. Facility Expansion	All	1,750,000	1,750,000
27	4	City Facilities ADA Compliance	All	300,000	300,000
27	8	Facilities Space Util./Erg. Imps.	All	750,000	-
27	9	Fire Apparatus Replacement	All	1,008,000	2,412,000
27	10	Fire Station Construction/Relocation	All	-	2,500,000
27	11	Fire Training Grounds	All	-	2,000,000
27	12	Fleet Heavy Equipment Replacement	All	3,000,000	3,000,000
27	16	Library - Central	All	1,000,000	2,000,000
27	19	Police East Substation Relocation	All	-	250,000
27	22	Police West Substation Relocation	4,5	200,000	-
27	24	State Office Building Parking Garage	1	250,000	-

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2007-00036

Zone change from "SF-5" Single-family Residential, "TF-3" Two-family Residential and "LC" Limited Commercial to "MF-29" Multi-family Residential with a Protective Overlay #193, and subject to vacation of street right-of-way and replatting the entire property described as:

The West 340 feet of the American Legion Addition, Wichita, Sedgwick County, Kansas.
Generally located south of 31st Street South and east of Wichita Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #193:

1. Maximum height (as defined by the UZC) of the buildings shall be 35 feet for all structures.
2. Screening per what is required by code, Sec. IV-B
3. Solid screening shall be provided around all dumpsters, per existing code requirements.
4. Landscaping to be one and one-half times what is required by code.
5. 35-foot setbacks will be established along the south and north property line where adjacent to SF-5 zoning.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

EXCERPT FROM SEPTEMBER 6, 2007 MAPC HEARING

Case No.: ZON2007-36 – Steel Sunflowers LLC (owner, applicant), Poe & Associates: c/o Tim Austin (agent) Request City zone change from "SF-5" Single-family Residential, "TF-3" Two-family Residential and "LC" Limited Commercial to "MF-29" Multi-family Residential on property described as;

The West 340 feet of American Legion Addition, Wichita, Sedgwick County, Kansas.
Generally located south of 31st Street South and east of Wichita Street.

BACKGROUND: The application area is approximately 3.41 acres of platted land zoned LC, TF-3 and SF-5, located west of South Broadway Avenue and south of 31st Street South. The application area is undeveloped, but has been platted with single-family lots. The applicant is seeking "MF-29" zoning in order to develop an apartment/multi-family development. The current 32nd Street South Circle right-of-way, through the south one-third of the application area, will have to be vacated to ultimately be a part of the application. The street is platted but has not been installed.

Property zoned LC and SF-5 abuts the subject site on the east and is partially developed with an American Legion Post. Farther to the east is property zoned SF-5 and GC all developed as a salvage yard. To the west, is property zoned LC, B and SF-5 which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5 which is developed with car sales lot, a construction service, offices, apartments and a couple single-family residences.

In this particular area, there is a mix of uses and zones. Just within a four-square block area, there are properties zoned LC, GC, LI, SF-5, B and TF-3. This rezone would eliminate the TF-3 and LC zoned property within the application area. The Unified Zoning Code (UZZ) permits MF-29 zoning for up to 29 dwelling units (DU's) per acre, while TF-3 allows 14.5 DU's (with a conditional use) and LC allows 75.1 DU's per acre. As currently zoned, the subject site could potentially allow up to a total of 119 dwelling units. With the rezone to MF-29, the site would be allowed 99 dwelling units, a reduction of 20 dwelling units with a rezone. Also, the MF-29 zone permits building heights up to 45 feet while the LC zone permits building heights up to 80 feet. The proposed rezoning of the subject site to MF-29 would also buffer the single-family residences on the south and west from the salvage yard / car dealership, which fronts Broadway, but is currently visible due to the undeveloped subject site.

The UZZ has "compatibility development standards" dealing with increased setback and height limitations that may come into play depending on the development plan. A zone change request does not require submission of a site plan like a "conditional use" application does. The landscape code requires a landscape buffer of one shade tree or two ornamental trees, without a fence, per 40 lineal feet of the multi-family property line abutting SF-5 or TF-3 zoning, or 50 lineal feet, with a fence. The trees must be planted within 15 feet of the platted property line.

CASE HISTORY: The existing SF-5 zoning was established when this property was annexed into the city between 1951-1960. The LC and TF-3 zoning was established in a zone change (Z-2376), from SF-5 (or "AA") in 1982. Z-2377 was a rezone attempt on the southern half of the addition from "AA" (SF-5) to "A" (TF-3) in 1982, but the case was withdrawn. The application area is a part of the American Legion Addition, recorded in 1982.

ADJACENT ZONING AND LAND USE:

NORTH: "GC" Limited Commercial
"SF-5" Single-family Residential
SOUTH: "SF-5" Single-family Residential

Car Sales, Retail, Office
Single-family Residences
Single-family Residences

EAST:	“LC” Limited Commercial	Civic Club
	“GC” General Commercial	Salvage
	“SF-5” Single-family Residential	Salvage
WEST:	“LC” Limited Commercial	Group Quarters
	“B” Multi-family Residential	Group Quarters
	“SF-5” Single-family Residential	Single-family Residences

PUBLIC SERVICES: 31st Street South at this location is a four-lane minor arterial with 95 feet of right-of-way. 31st Street South carries 8,215 average daily trips. Wichita Street, which runs along the west side of the subject, is a local road with a 60-foot right-of-way. Apartments, a common use in a MF-29 zone, generate approximately 6.6 average daily vehicle trips per unit. With SF-5 and TF-3 zoning, a single-family residence can generate 9.6 and a condo can generate 5.9 average daily vehicle trips per unit. Under LC zoning, a fast-food restaurant can generate 496.1 and a supermarket can generate 111.5 average daily vehicle trips per 1,000 square feet of gross floor area (Source: Institute of Transportation Engineers.) Other publicly provided services are available or can be extended to the site.

CONFORMANCE TO PLANS/POLICIES: Goal II of “The Wichita-Sedgwick County Comprehensive Plan Preparing for Change” indicates that there should be a variety of housing opportunities. Strategy II.A2 calls for requirements for medium and high-density residential development, which would include plan and architectural review to ensure compatibility with surrounding low-density residential areas. Residential Location Guidelines, p. 34 of the 1999 update of the Comprehensive Plan state: medium and high-density uses should be located within walking distance of neighborhood commercial centers, parks, schools and public transportation routes and within close proximity of employment centers; medium and high-density residential uses should be sited where they will not overload existing or planned facilities. The “2030 Wichita Functional Land Use Guide” reflects the sites current “LC” zoning by showing the site as being appropriate for “local commercial” uses and the sites currently SF-5 and TF-3 by showing those sites as being appropriate for “urban residential” uses.

RECOMMENDATION: A property owner in the immediate area who is opposed to the zone change and proposed multi-family development contacted planning staff; the property owner feels that multi-family use may conflict with the existing residences in the area. Under MF-29 zoning, the site could be developed in theory with up to 29 units per acre. However, the UZC setback, height, and parking requirements, as well as housing code requirements, will limit the project scale. Another possible issue with this site and the proposed “MF-29” zoning is access. The site can have access onto a local street, S. Wichita Street, abutting the subject site on the west. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to vacation of street right-of-way and replat within one year and the following provisions of Protective Overlay #193:

1. Maximum height (as defined by the UZC) of the buildings shall be 35 feet for all structures.
2. Solid screening, 6 to 8 feet tall, shall be required along all property lines when adjacent to or across the street from SF-5 zoning.
3. Solid screening shall be provided around all dumpsters, per existing code requirements.
4. Landscaping, per code, shall be required.
5. 35-foot setbacks will be established along the south and north property line where adjacent to SF-5 zoning.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property zoned LC and SF-5 abuts the subject site on the east. Farther to the east is property zoned SF-5 and GC all developed as a salvage yard. To the west, is property zoned LC, B and SF-5 which is developed with a group

quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5 which is developed with car sales lot, a construction service, offices, apartments and a couple single-family residences. The application area is a transitional area as demonstrated by the diverse set of zones and land uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC, TF-3 and SF-5. This current zoning would allow for a wide range of uses. With the current zoning, there is the possibility for a mix of uses, some of which would be too intense for this particular area. Additionally, the number of dwelling units that can be allowed within this mix of zoning, according to the UZC, would be greater than the number of units that would be potentially allowed under the MF-29 zoning. Also, the proposed MF-29 zoning would not allow more intense commercial uses that are allowed within the LC zone.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request would downzone 35% of the property currently zoned LC. This down zoning would eliminate the possibility of intense commercial uses from operating in this area. The rezone would also create a buffer between commercial uses currently along South Broadway Avenue and single-family residential uses along Wichita Street, extending to the west. A traffic increase could occur if the primary access for any proposed residential development was established along S. Wichita Street. This is a point that should be addressed in the replatting process.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide additional multi-family housing to the market. Denial would, in effect, only delay the development of the property as the site's LC zoning permits multi-family uses, with a higher density than what is allowed in a MF-29 zone.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with a majority of the comprehensive plan goals and objectives of providing a range of housing opportunities, and that multi-family uses should be located in areas where adequate services are available or can be extended.
6. Impact of the proposed development on community facilities: Any development on the site will increase traffic over its undeveloped state, however multi-family projects on a use by use basis are low generators when compared to commercial uses. South 31st Street is a four-lane facility that has capacity to accommodate the uses allow by the proposed zoning. Other services are available or can be extended through the platting process.

DERRICK SLOCUM, Planning staff presented the staff report.

He referred Commission members to the DAB III Memorandum dated September 6, 2007, and stated that DAB III approved the request 6-5. He added that staff has received thirty protest petitions on the application.

SHERMAN clarified that it was **SLOCUM'S** understanding that this area would not be developed for low-income housing.

SLOCUM said that was correct.

TIM AUSTIN, POE & ASSOCIATES, AGENT FOR THE APPLICANT said they were in concurrence with the staff report and staff recommendations. He referred to Item #2 of the staff report concerning the solid screening and suggested that it would be more appropriate for them to landscape at one and one-half times what is required by City ordinance. He mentioned wrought iron fencing with plantings.

HILLMAN commented that all the concerns expressed at the DAB meeting weren't regarding the potential for low-income housing. He said he appreciated **AUSTIN'S** comments about landscaping and mentioned planting evergreen so the plants were attractive year-round and don't lose leaves in the winter. He said the Commission would be willing to work with them on that item.

Responding to a question from **MARNELL** concerning vacating the center right-of-way and the status of the four lots to the north of the site, **AUSTIN** explained that the four lots were currently owned by the American Legion who would be retaining ownership. He added that they would vacate then replat the center area.

HENTZEN asked how long the salvage yard could stay at its present location?

Staff commented that the area was zoned "GC" General Commercial and that the salvage yard was, therefore, a non-conforming use.

LANG commented that he was not aware of any time limit as long as the salvage yard operation stays unchanged.

JOHNSON asked how many units would be developed?

AUSTIN commented that on the 3.4-acre site they were allowed to develop ninety-nine units, but that it would probably be something less than that.

BRIAN SLATER, 3301 S. WICHITA said he lived straight across from this property. He said the entire neighborhood is against the rezoning and that the neighbors do not want an apartment complex in their front yard. He said the area has many older people and that they have a low crime rate. He said they believe putting a multi-dwelling complex in the area would increase crime. He also mentioned that the entrance/exit to the complex would be off of Wichita Street which is a residential street, and that this would add approximately 600 plus vehicles a day in traffic. He said they have traffic problems in the area as it is. He said they have no problem developing single-family homes in the area. He said they could care less if they are screened from the salvage yard. He said they are taxpaying citizens who chose to live in the area because they like it there. He mentioned that he grew up in the neighborhood and requested that the Commission consider the opinion of the neighbors in the area and please not turn this area into an apartment complex.

ALVIN GANN, 204 WEST PATTERSON said the proposed site was in his backyard. He commented about the petitions that were turned into City Councilman Skelton. He also mentioned that he felt this development would create a crime wave and that drugs may also be an issue. He said low-income housing bothers him anywhere in the City and added that he felt things just "went to pot" especially if the government has anything to do with it. He mentioned South Hydraulic and that most of the houses in that area are now boarded up or empty and that he was afraid that this would happen in their neighborhood. He asked who was responsible for cutting the field? He also asked about Item #5 on the staff report concerning the 35-foot set back and what that meant. He asked was that setback from the alley or his property? He concluded by saying that the neighborhood does not need low-income housing.

MILLER commented that the setbacks are measured from the property line (applicant's property line).

Responding to a question from **BISHOP, SLOCUM** explained the processing of the protest petitions presented to him at last night's DAB III meeting.

JEANETTE BURNISON, 210 W. PATTERSON said her property backs right up to the site. She said she is concerned about the influx of so many people into an area that is a nice, quiet neighborhood. She said they are having terrible traffic problems because of the closing of the bridge on Broadway. She said she has lived there since she was 6 years old. She said she did not want multi-dwelling housing even if it is really nice. She said the junkyard has never bothered the neighbors because it creates no traffic and it is screened. She said this is a small, quiet neighborhood; that the residents are against this; and asked the Commission to take that into account when they voted.

JIMMYDALE GREY, 307 W. 32nd STREET SOUTH, said he is concerned about increased traffic and depreciation of the value of his home. He said they are talking about 100 residents in a one-block area. He said single-family homes are what the norm is in the area. He said an apartment complex will cause increased traffic, crime, and that it just isn't wanted by the neighborhood.

WALTER HAYS, 302 W. 32nd STREET mentioned the increased traffic problems in the area, and how 32nd Street dead ends at Gold. He mentioned that there have also been several wrecks at Patterson and Wichita Streets. He concluded by saying that it was just not a good idea to put an apartment complex at the site. He said single-family housing or even duplexes would be okay.

HILLMAN asks for clarification in regards to 32nd Street not being completely paved?

HAYS commented that there was a section of 32nd Street between Waco and Palisade that was not paved.

TIM AUSTIN explained that the American Legion does not own the property that is being rezoned. He said this residential area was platted in 1952, the east was platted in 1937, and the north was platted in 1965, but that nothing has been happening within the last 25 years.

TAPE 1, SIDE 2

He said Patterson Street does come out onto Broadway and that there is a one half street right-of-way. He said this property is in compliance with multi-use land area within the Comprehensive Plan, and added that they were attempting to balance land development with the rights of people in the neighborhood.

JOHNSON asked if his client specialized in low-income housing?

AUSTIN commented that no definite decision has been made, but using tax credit to develop housing is a business decision that his client would evaluate and make. He said he is not going to say the development is never going to be low-income housing; however, he pointed out that if that were to happen, there is a separate public hearing process where the neighbors could participate.

HILLMAN commented on the auto repair shop at 31st Street and Wichita and that there were a lot of vehicles parking along Wichita Street right now. He said he would like a commitment to work with owner of the proposed complex to provide sufficient off-street parking so as not to compound the current problem.

AUSTIN commented that he has spoken with Traffic Engineering concerning the situation along Wichita Street and whether "No Parking" signs would be appropriate and they indicated they would research the

situation. He said the applicant is planning on providing one and three-quarter parking stalls for every dwelling unit, whether it is two or three-bedroom. He said they plan on providing sufficient off-street parking so cars will not be on the street. He said that and access controls would be discussed at platting.

BISHOP said since Wichita Street is designated as a residential street, could the case be deferred until the access issue was resolved, since this was a major issue with her.

AUSTIN said he would prefer that the Commission vote on the request today. Responding to a question from **BISHOP** concerning sidewalks, curbs and guttering in the area, **AUSTIN** commented that the streets were paved to the urban standards set in 1952, and acknowledged that there were no sidewalks.

BISHOP commented that she has problems developing multi-family complexes on residential streets.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **ANDERSON** seconded the motion.

GISICK asked if the motion included the change in Item #2 to one and one-half times what the Unified Zoning Code required for screening? **MARNELL** responded yes.

SUBSTITUTE MOTION: To defer action on the item.

BISHOP moved, **HILLMAN** seconded the motion and it failed (2-9).
ANDERSON, DOWNING, GISICK, HENTZEN, JOHNSON, MARNELL, MILLER STEVENS, SHERMAN and VAN FLEET – No.

The original motion carried (10-1). **BISHOP** – No.

EXCERPT OF JANUARY 10, 2007 MAPC MINUTES

Case No.: ZON2007-36 – Steel Sunflowers LLC (owner/applicant); Poe & Associates, c/o Tim Austin (agent) Request City zone change from "SF-5" Single-family Residential, "TF-3" Two-family Residential and "LC" Limited Commercial to "MF-29" Multi-family Residential on property described as;

The West 340 feet of American Legion Addition, Wichita, Sedgwick County, Kansas. Generally located South of 31st Street South and east of Wichita Street.

BACKGROUND: The application area is approximately 3.41 acres of platted land zoned LC, TF-3 and SF-5, located west of South Broadway Avenue and south of 31st Street South. The application area is undeveloped, but has been platted with single-family lots. The applicant is seeking "MF-29" zoning in order to develop an apartment/multi-family development. The current 32nd Street South Circle right-of-way, through the south one-third of the application area, will have to be vacated to ultimately be a part of the application. The street is platted but has not been installed.

Property zoned LC and SF-5 abuts the subject site on the east and is partially developed with an American Legion Post. Farther to the east is property zoned SF-5 and GC all developed as a salvage yard. To the west, is property zoned LC, B and SF-5 which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5 which is developed with car sales lot, a construction service, offices, apartments and a couple single-family residences.

In this particular area, there is a mix of uses and zones. Just within a four-square block area, there are properties zoned LC, GC, LI, SF-5, B and TF-3. This rezone would eliminate the TF-3 and LC zoned property within the application area. The Unified Zoning Code (UZO) permits MF-29 zoning for up to 29 dwelling units (DU's) per acre, while TF-3 allows 14.5 DU's (with a conditional use) and LC allows 75.1 DU's per acre. As currently zoned, the subject site could potentially allow up to a total of 119 dwelling units. With the rezone to MF-29, the site would be allowed 99 dwelling units, a reduction of 20 dwelling units with a rezone. Also, the MF-29 zone permits building heights up to 45 feet while the LC zone permits building heights up to 80 feet. The proposed rezoning of the subject site to MF-29 would also buffer the single-family residences on the south and west from the salvage yard / car dealership, which fronts Broadway, but is currently visible due to the undeveloped subject site.

The UZC has “compatibility development standards” dealing with increased setback and height limitations that may come into play depending on the development plan. A zone change request does not require submission of a site plan like a “conditional use” application does. The landscape code requires a landscape buffer of one shade tree or two ornamental trees, without a fence, per 40 lineal feet of the multi-family property line abutting SF-5 or TF-3 zoning, or 50 lineal feet, with a fence. The trees must be planted within 15 feet of the platted property line.

This case was referred back to the MAPC by the City Council once the applicant completed a traffic analysis. The applicant submitted the completed analysis to the Traffic Department for approval and planning staff received the approved traffic analysis on December 7, 2007. This case was then scheduled for the soonest MAPC meeting in regards to public notice timing.

CASE HISTORY: The existing SF-5 zoning was established when this property was annexed into the city between 1951-1960. The LC and TF-3 zoning was established in a zone change (Z-2376), from SF-5 (or “AA”) in 1982. Z-2377 was a rezone attempt on the southern half of the addition from “AA” (SF-5) to “A” (TF-3) in 1982, but the case was withdrawn. The application area is a part of the American Legion Addition, recorded in 1982.

ADJACENT ZONING AND LAND USE:

NORTH:	“GC” Limited Commercial	Car Sales, Retail, Office
	“SF-5” Single-family Residential	Single-family Residences
SOUTH:	“SF-5” Single-family Residential	Single-family Residences
EAST:	“LC” Limited Commercial	Civic Club
	“GC” General Commercial	Salvage
	“SF-5” Single-family Residential	Salvage
WEST:	“LC” Limited Commercial	Group Quarters
	“B” Multi-family Residential	Group Quarters
	“SF-5” Single-family Residential	Single-family Residences

PUBLIC SERVICES: 31st Street South at this location is a four-lane minor arterial with 95 feet of right-of-way. 31st Street South carries 8,215 average daily trips. Wichita Street, which runs along the west side

of the subject, is a local road with a 60-foot right-of-way. Apartments, a common use in a MF-29 zone, generate approximately 6.6 average daily vehicle trips per unit. With SF-5 and TF-3 zoning, a single-family residence can generate 9.6 and a condo can generate 5.9 average daily vehicle trips per unit. Under LC zoning, a fast-food restaurant can generate 496.1 and a supermarket can generate 111.5 average daily vehicle trips per 1,000 square feet of gross floor area (Source: Institute of Transportation Engineers.) The applicant, at the request of the Wichita City Council, completed a traffic analysis examining the impact a multi-family development would have in the area in regards to traffic and the plan was approved by the Traffic Department. Other publicly provided services are available or can be extended to the site.

CONFORMANCE TO PLANS/POLICIES: Goal II of “The Wichita-Sedgwick County Comprehensive Plan Preparing for Change” indicates that there should be a variety of housing opportunities. Strategy II.A2 calls for requirements for medium and high-density residential development, which would include plan and architectural review to ensure compatibility with surrounding low-density residential areas. Residential Location Guidelines, p. 34 of the 1999 update of the Comprehensive Plan state: medium and high-density uses should be located within walking distance of neighborhood commercial centers, parks, schools and public transportation routes and within close proximity of employment centers; medium and high-density residential uses should be sited where they will not overload existing or planned facilities. The “2030 Wichita Functional Land Use Guide” reflects the sites current “LC” zoning by showing the site as being appropriate for “local commercial” uses and the sites currently SF-5 and TF-3 by showing those sites as being appropriate for “urban residential” uses.

RECOMMENDATION: A number of property owners in the immediate area are opposed to the zone change and proposed multi-family development. The property owners feel that a multi-family use may conflict with the existing residences in the area and have a negative impact on the traffic in the area. Protest petitions were received in response to the MAPC (approval) decision at the September 6, 2007 meeting. The protest encompasses about 35% of the surrounding property area, which triggers the requirement of a three-fourths vote by the City Council to approve this request.

Under MF-29 zoning, the site could be developed in theory with up to 29 units per acre. However, the UZC setback, height, and parking requirements, as well as housing code requirements, will limit the project scale. Another possible issue with this site and the proposed “MF-29” zoning is access. The site can have access onto a local street, S. Wichita Street, abutting the subject site on the west. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to vacation of street right-of-way and replat within one year and the following provisions of Protective Overlay #193:

1. Maximum height (as defined by the UZC) of the buildings shall be 35 feet for all structures.
2. Screening to be one and one-half times what is required by code.
3. Solid screening shall be provided around all dumpsters, per existing code requirements.
4. Landscaping, per code, shall be required.
5. 35-foot setbacks will be established along the south and north property line where adjacent to SF-5 zoning.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property zoned LC and SF-5 abuts the subject site on the east. Farther to the east is property zoned SF-5 and GC all developed as a salvage yard. To the west, is property zoned LC, B and SF-5 which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5 which is developed with car sales lot, a construction service, offices, apartments and a couple single-family residences. The application area is a transitional area as demonstrated by the diverse set of zones and land uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC, TF-3 and SF-5. This current zoning would allow for a wide range of uses. With the current zoning, there is the possibility for a mix of uses, some of which would be too intense for this particular area. Additionally, the number of dwelling units that can be allowed within this mix of zoning, according to the UZC, would be greater than the number of units that would be potentially allowed under the MF-29 zoning. Also, the proposed MF-29 zoning would not allow more intense commercial uses that are allowed within the LC zone.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request would downzone 35% of the property currently zoned LC. This down zoning would eliminate the possibility of intense commercial uses from operating in this area. The rezone would also create a buffer between commercial uses currently along South Broadway Avenue and single-family residential uses along Wichita Street, extending to the west. A traffic increase could occur if the primary access for any proposed residential development was established along S. Wichita Street. This is a point that should be addressed in the replatting process.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide additional multi-family housing

to the market. Denial would, in effect, only delay the development of the property as the site's LC zoning permits multi-family uses, with a higher density than what is allowed in a MF-29 zone.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with a majority of the comprehensive plan goals and objectives of providing a range of housing opportunities, and that multi-family uses should be located in areas where adequate services are available or can be extended.
6. Impact of the proposed development on community facilities: Any development on the site will increase traffic over its undeveloped state, however multi-family projects on a use by use basis are low generators when compared to commercial uses. South 31st Street is a four-lane facility that has capacity to accommodate the uses allowed by the proposed zoning. Other services are available or can be extended through the platting process.

DERRICK SLOCUM, Planning Staff presented the staff report.

HENTZEN asked what the traffic study revealed?

SLOCUM said the study did not show a significant change in the amount of traffic in the area. He said due to setback requirements, they are projecting 29 units per acre, which was pretty conservative; however, he said he would let the agent speak further on that subject.

TIM AUSTIN, POE AND ASSOCIATES, AGENT FOR APPLICANT, stated that they were in agreement with staff recommendation. He said the traffic study indicated a negligible impact, which was well below the traffic threshold and minimum standards.

A. H. GANN, 204 WEST PATTERSON, said the land being rezoned comes right up to his backyard. He asked the Commission if they get copies of protests, and if they read them.

CHAIRMAN MITCHELL said sometimes they receive copies of those letters and sometimes they do not.

GANN asked who owned the property? He said according to the City Clerk's office, it still belongs to American Legion #401, but the staff report says Steel Sunflowers, LLC, and he doesn't understand that.

CHAIRMAN MITCHELL said they would ask the agent to answer that question.

WALTER HAYS, 302 W. 32nd STREET SOUTH, provided the Commissioners pictures of the last snow, and how it affected traffic in and around the neighborhood. He said if people park on either side of the street, then you are down to one-lane of traffic. He said there are no sidewalks in the neighborhood so people have to walk in the street. He said he thought it was a bad deal to put in another 100 apartment units, and the kind of traffic that would generate in the area. He mentioned that 33rd Street is sand. He said the car rebuild shop on the corner of 33rd and Wichita parks cars on the street, which makes a mess. He said he has lived there for 20 years, and said it is a real good possibility that there will be negative impact on the neighborhood. He said this area does not need to be rezoned.

HILLMAN mentioned that this is the second time he has heard about the car rebuilding shop. He asked if staff has taken a look at the situation and if it has improved.

HAYS said the situation has not improved, and is especially bad at night. He mentioned that the business does not appear to be open during the day.

GARY JANTZ, 215 WEST PATTERSON, said the pictures shown during the staff report do not reflect the north side of the property on 31st Street which is a row of blighted businesses nor to the east of the property, which is a junk yard. He said he does not believe the kind of apartments being proposed are going to improve the community or make it a better place to live. He agreed that something needs to be done with the land, but doesn't think apartments are the answer. He asked what person moving into the apartments is going to want a view of the junkyard and blighted area. He said he understood the City's need for tax money, but didn't see this proposal as a positive move.

JEANETTE BURNISON, 210 WEST PATTERSON, said she does not believe the apartments being proposed are going to generate income because no one is going to want a balcony over a junkyard or blighted businesses. She referred to where she lived on Patterson, and said that people are going to come south down Wichita to Patterson to get to Broadway, and that her particular street will have higher traffic volume. She said she is also concerned about the proposed housing, and said that income level would not improve the community. She concluded by saying that she is also worried about crime.

HILLMAN clarified the location of the “Gold Eagle Apartment Complex” shown in the pictures provided by Mr. Hays, and it’s relationship to the area to be rezoned.

TIM AUSTIN clarified that Steel Sunflowers LLC currently owns the property although American Legion #401 was listed on the original application.

There was brief discussion concerning how long it takes for property records to be changed.

BOB PARNACOTT, COUNTY LAW DEPARTMENT briefly explained the transfer process stating that the deed is filed with the Register of Deeds, and then the County Clerk makes the entry showing the new ownership under County records; however, he didn’t know how long the process took.

HILLMAN commented that they checked this morning and the records do not show the property transfer.

MOTION: To approve, subject to staff recommendation.

MARNELL moved, MCKAY seconded the motion, and it carried (12-1).

HILLMAN – No.

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This project addresses the Efficient Infrastructure goal by improving traffic flow and safety through an important transportation corridor.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Jay Barrier

Mr. Barrier stated he represents Barrier's Inc. and thanked the City Council for a project like this. Stated it has taken a long time and has been a difficult thing working with retailers and the community members in that area. Stated he would like the Council to consider putting decorative lights in this area because this is what makes a city a city. Stated this is what gives a city personality and character. Stated Kansas City does a wonderful job at this and he and retailers are willing to maybe help pay some of the costs to create character. Stated he would like to see this lighting from the Belmont area extending one block east of the Oliver area and extend one or two blocks north and south on the Oliver area.

Motion--
--carried

Schlapp moved that the project be approved; the Ordinance placed on First Reading; and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An ordinance declaring the intersection of Douglas and Oliver (472-84609) to be a main traffic way within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

MUSEUM

KANSAS FIREFIGHTERS MUSEUM. (DISTRICT I)

Gary Rebenstorf

Director of Law asked if the Council could wait a few minutes so that he could make sure the person who is going to present this is here.

Mayor Brewer

Mayor Brewer requested to move on to the Planning Agenda and come back to this item.

(Council Member Schlapp momentarily absent)

PLANNING AGENDA

ZON2007-00036

ZON2007-00036 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL, “TF-3” TWO-FAMILY RESIDENTIAL AND “LC” LIMITED COMMERCIAL TO “MF-29” MULTI-FAMILY RESIDENTIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED SOUTH AND EAST OF THE INTERSECTION OF W. 31ST STREET SOUTH AND SOUTH WICHITA STREET. (DISTRICT III)

(Mayor Brewer momentarily absent, Vice-Mayor Fearey at the chair)

John Schlegel

Planning Director reviewed the item.

DAB III Recommendation: Approve, subject to Protective Overlay #193, Vote 6-5.

MAPC Recommendation: Approve, subject to Protective Overlay #193, vote 10-1.

MAPD Staff Recommendation: Approve, subject to Protect Overlay #193

The application area is approximately 3.41 acres of platted land zoned LC, TF-3 and SF-5, located west of South Broadway Avenue and south of 31st Street South. The application area is undeveloped, but has been platted with single-family lots. The applicant is seeking “MF-29” zoning in order to develop an apartment/multi-family development. The current 32nd Street South Circle right-of-way, through

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the south one-third of the application area, will have to be vacated to ultimately be a part of the application. The street is platted, but has not been installed.

Property zoned LC and SF-5 abut the subject site on the east and is partially developed with an American Legion Post. Farther to the east is property zoned SF-5 and GC all developed as a salvage yard. To the west, is property zoned LC, B and SF-5 which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5 which is developed with car sales lot, a construction service, offices, apartments and a couple single-family residences.

In this particular area, there is a mix of uses and zones. Just within a four square block area, there are properties zoned LC, GC, LI, SF-5, B and TF-3. This rezone would eliminate the TF-3 and LC zoned property within the application area. The Unified Zoning Code (UZC) permits MF-29 zoning for up to 29 dwelling units (DU's) per acre, while TF-3 allows 14.5 DU's (with a conditional use) and LC allows 75.1 DU's per acre. As currently zoned, the subject site could potentially allow up to a total of 119 dwelling units. With the rezone to MF-29, the site would be allowed 99 dwelling units, a reduction of 20 dwelling units with a rezone. Also, the MF-29 zone permits building heights up to 45 feet while the LC zone permits building heights up to 80 feet. The proposed rezoning of the subject site to MF-29 would also buffer the single-family residences on the south and west from the salvage yard / car dealership, which fronts Broadway, but is currently visible due to the undeveloped subject site.

The UZC has "compatibility development standards" dealing with increased setback and height limitations that may come into play depending on the development plan. A zone change request does not require submission of a site plan like a "conditional use" application does. The landscape code requires a landscape buffer of one shade tree or two ornamental trees, without a fence, per 40 lineal feet of the multi-family property line abutting SF-5 or TF-3 zoning, or 50 lineal feet, with a fence. The trees must be planted within 15 feet of the platted property line.

At the MAPC meeting held September 7, 2007, the MAPC voted (10-1) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the MAPC meeting, there were a number of citizens present to discuss their opposition to the zone change.

This case was heard at the District III Advisory Board meeting held on September 6, 2007, the DAB III voted (6-5) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the DAB III meeting, there were a number of citizens present, along with a few DAB members that stated their opposition to the zone change.

At this time, there have been 31 protest petitions received and stamped by the city clerk. 15 of those 31 petitions are located within the formal notification area, equating to 34.7% of the total real property within the area required to be notified by state statute. With the protest being more than 20% of the total real property within the area required to be notified by state statute of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Section V-C.10.b, such amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all members of the Governing Body. (Article V, Section C.10 (a) of the Unified Zoning Code)

Promote Economic Vitality and Improve Housing Variety

The ordinance has been reviewed and approved as to form by the Law Department.

Council Member Skelton Council Member Skelton asked how feasible it would be to ask the applicant to provide a traffic study. Stated he has talked to some neighbors in the area and is concerned about the dirt roads in the area and two schools in the area.

John Schlegel Planning Director stated it would be feasible and is not uncommon for us to ask for an applicant to provide some analysis of the impacts that the additional traffic generated by the proposal will have on a neighborhood. Stated for one this size they would not usually ask for it but would not put it outside of the realm of feasibility to ask for it on this one.

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Council Member Skelton Council Member Skelton stated that based on the concerns of the neighborhood, two schools in the area, and the dirt roads, he would like to send this back to the MAPC.

Motion-- Skelton moved to return the application to the MAPC to consider a traffic study and analysis to be
--carried provided by the applicant. Motion carried 7 to 0.

**POE & ASSOCIATES, INC.**

5940 E. Central, Suite 200
Wichita, Kansas 67208

CONSULTING ENGINEERS

(316) 685-4114
FAX: (316) 685-4444

RECEIVED
DEC - 7 2007
METROPOLITAN PLANNING
DIVISION

December 5, 2007

Paul Gunzelman, PE
City of Wichita
455 N. Main; 7th Floor
Wichita, KS 67202

RE: 31st & Wichita
ZON2007-00036
Traffic Study

Dear Paul:

Per our discussions, the following is the analysis of the traffic impact for the proposed project.

Existing Condition

According to the traffic counts that your office provided, the a.m. traffic peak occurs between 7 am and 8am and the p.m. peak between 4 pm and 5 pm. Total traffic was measured at 23 vehicles per hour in the morning and 31 vehicles in the evening. Applying the ITE standards for single-family residential ¹, the number of exiting vehicles is 17 vehicles per hour or one exiting car every 3½ minutes from the neighborhood in the morning and 11 vehicles per hour in the evening or one exiting car every 5½ minutes.

Existing ADT for 31st Street South in this location is approximately 8,375 vehicles. The morning peak is estimated to be approximately 10% of the ADT for an arterial traffic count of 838 vehicles. Distribution is assumed to be 50% each direction across 2 lanes of traffic in either direction yielding 210 vehicles per lane per hour or approximately 3 ½ vehicles per minute or one car passing the intersection every 17 seconds.

Developed Condition

Applying the maximum dwelling units (29 per acre) to the property that is being rezoned yields approximately 98 dwelling units. According to the ITE, the number of trip ends is approximately 55 trip ends during the morning peak. Distribution is 28% entering and 72% exiting. Since there are other entry point onto the arterial street system, we estimate that a 10% reduction in cars entering onto 31st Street, which yields approximately 35 additional cars at the intersection of 31st Street during the morning peak. Total exiting traffic would be 52 vehicles per hour during the morning peak or one exiting car approximately every 1¼ minutes.

¹ (25% entering and 75% exiting, am; 66% entering and 34% exiting, pm.)

Attached is are the traffic counts that were provided by your office for Wichita street. Also enclosed is an aerial photograph that shows the existing and developed a.m. exiting peak traffic counts.

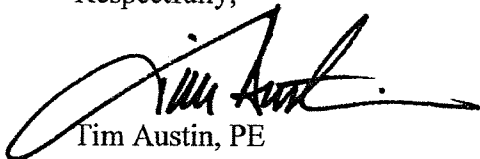
Conclusion

Because of the negligible impact of the small amount of exiting traffic in the morning peak in the developed condition and the existing capacity of 31st Street South, there is no impact to the neighborhood. A warrant analysis of the developed condition concludes that a traffic signal at this intersection is not warranted.

We need to reiterate that the developed condition is considered the most conservative as it assumed the maximum density possible; however, given our experience with multifamily projects, a realistic expectation would be that the density would be considerably less.

Please let me know if you have any questions.

Respectfully,



Tim Austin, PE

Cc: Derrick Slocum

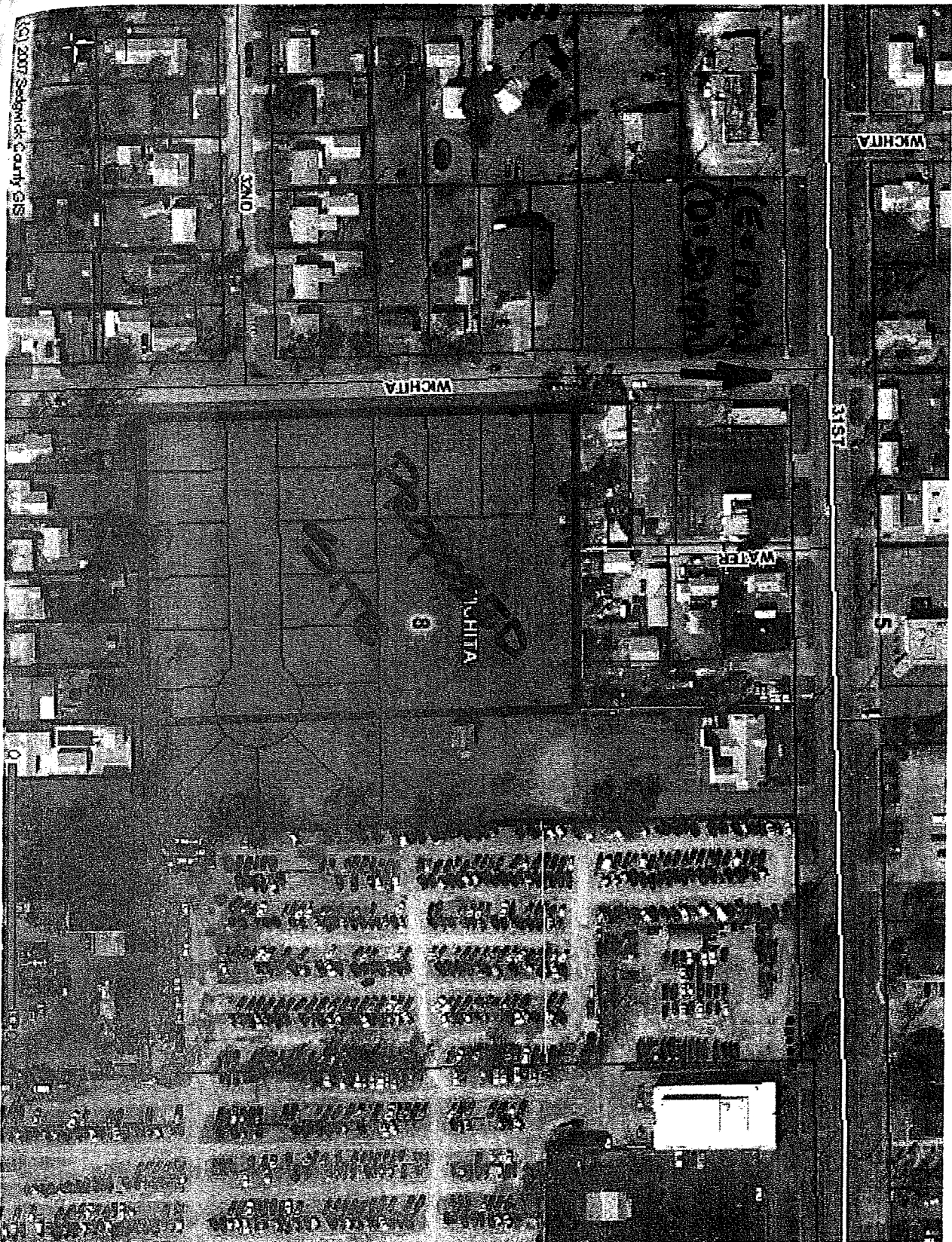
Traffic Counts

Start Time	Date	Type	Traffic Counter #
8:45 AM	10/31/07	Full	34
Location Street Name Wichita s/of 31t st			
Special conditions		N	
Comments		N	
24 Hour Total		Day of the Week	AADT
341		Mon	322
Time	AM & PM		
12 pm - 1 am	3		
1 am - 2 am	4		
2 am - 3 am	3		
3 am - 4 am	0		
4 am - 5 am	1		
5 am - 6 am	12		
6 am - 7 am	14		
7 am - 8 am	23		
8 am - 9 am	15		
9 am - 10 am	10		
10 am - 11 am	22		
11 am - 12 am	8		
12 am - 1 pm	14		
1 pm - 2 pm	23		
2 pm - 3 pm	23		
3 pm - 4 pm	18		
4 pm - 5 pm	31		
5 pm - 6 pm	23		
6 pm - 7 pm	19		
7 pm - 8 pm	21		
8 pm - 9 pm	27		
9 pm - 10 pm	13		
10 pm - 11 pm	8		
11 pm - 12 pm	6		
Totals	Total Count	AM Count	PM Count
	341	115	226

Traffic Counts

Start Time	Date	Type	Traffic Counter #
8:50 AM	10/31/07	Full	49
Location	Street Name Wichita s/of 33rd		
Special conditions	N		
Comments	N		
24 Hour Total			
Day of the Week		AADT	
148		Mon 140	
Time	AM & PM		
12 pm - 1 am	3		
1 am - 2 am	1		
2 am - 3 am	0		
3 am - 4 am	1		
4 am - 5 am	0		
5 am - 6 am	5		
6 am - 7 am	4		
7 am - 8 am	7		
8 am - 9 am	2		
9 am - 10 am	4		
10 am - 11 am	6		
11 am - 12 am	8		
12 am - 1 pm	13		
1 pm - 2 pm	12		
2 pm - 3 pm	9		
3 pm - 4 pm	13		
4 pm - 5 pm	18		
5 pm - 6 pm	6		
6 pm - 7 pm	8		
7 pm - 8 pm	15		
8 pm - 9 pm	7		
9 pm - 10 pm	4		
10 pm - 11 pm	0		
11 pm - 12 pm	2		
Totals	Total Count	AM Count	PM Count
	148	41	107

31ST & WICHITA
 not to scale



EXITING A.M. PEAK

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: ZON2007-00036 – Zone change from “SF-5” Single-family Residential, “TF-3” Two-family Residential and “LC” Limited Commercial to “MF-29” Multi-family Residential with a Protective Overlay. Generally located south and east of the intersection of 31st Street South and Wichita Street. (District III)

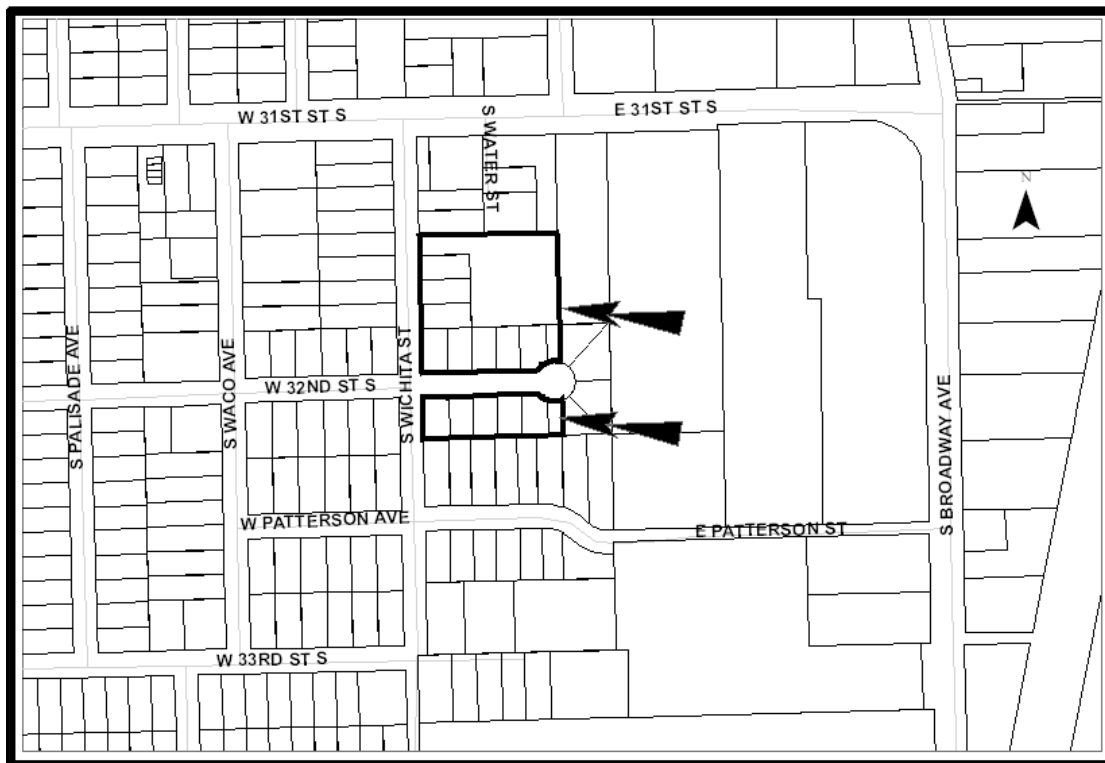
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

DAB III Recommendation: (September 5, 2007) Approve, subject to Protective Overlay #193, Vote 6-5.

MAPC Recommendation: Approve, subject to Protective Overlay #193, vote 10-1.

MAPD Staff Recommendation: Approve, subject to Protect Overlay #193



Background: The application area is approximately 3.41 acres of platted land zoned LC, TF-3 and SF-5, located west of Broadway Avenue and south of 31st Street South. The application area is undeveloped, but has been platted with single-family lots. The applicant is seeking “MF-29” zoning in order to develop an apartment/multi-family development. The current 32nd Street South Circle right-of-way, running through the southern one-third of the application area, will have to be vacated to ultimately be a part of the application. The street is platted, but has not been installed.

Property zoned LC and SF-5 abuts the subject site on the east and is partially developed with an American Legion Post. Farther to the east is property zoned SF-5 and “GC” General Commercial and is developed as a salvage yard. To the west is property zoned LC, “B” Multi-family Residential, and SF-5, which is developed with a group quarters, single-family residences and contains vacant lots. To the south of the subject site is SF-5 zoning developed with single-family residences. The property to the north of the subject site is zoned GC and SF-5, which is developed with a car sales lot, construction services, offices, apartments and a couple of single-family residences.

In this particular area, there is a mix of uses and zones. Just within a four square block area, there are properties zoned LC, GC, “LI” Limited Industrial, SF-5, B and TF-3. This rezone would eliminate the TF-3 and LC zoned property within the application area. MF-29 zoning permits up to 29 dwelling units (DU’s) per acre, while TF-3 allows 14.5 DU’s (with a conditional use) and LC allows 75.1 DU’s per acre. As currently zoned, the subject site could potentially allow up to a total of 119 dwelling units. With the rezone to MF-29, the site would be allowed 99 dwelling units, a reduction of 20 dwelling units when compared to the sites current zoning. Also, the MF-29 zone permits building heights up to 45 feet while the LC zone permits building heights up to 80 feet. The proposed rezoning of the subject site to MF-29 would also buffer the single-family residences on the south and west from the salvage yard / car dealership, which fronts Broadway, but is currently visible due to the undeveloped subject site.

The Unified Zoning Code has “compatibility development standards” dealing with increased setback and height limitations that may come into play depending on the development plan. A zone change request does not require submission of a site plan like a “conditional use” application does. The landscape code requires a landscape buffer of one shade tree or two ornamental trees, without a fence, per 40 lineal feet of the multi-family property line abutting SF-5 or TF-3 zoning, or 50 lineal feet, with a fence. The trees must be planted within 15 feet of the platted property line.

Analysis: This case was heard at the District III Advisory Board meeting held on September 5, 2007, and they voted (6-5) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the DAB III meeting, there were a number of citizens present, along with a few DAB members that stated their opposition to the zone change.

At the MAPC meeting held September 7, 2007, the MAPC voted (10-1) to recommend approval of the request for MF-29 zoning with Protective Overlay #193. At the MAPC meeting, there were a number of citizens present to discuss their opposition to the zone change.

At the Wichita City Council meeting held October 16, 2007, the council voted to return the case back to the MAPC with the addition of a traffic analysis. The MAPC then re-heard the zoning request on January 10, 2008, with the additional traffic analysis. The MAPC voted (12-1) to recommend approval of the request for MF-29 zoning with Protective Overlay #193.

Another District Advisory Board meeting was held on February 6, 2008, but that date is after the deadline for this report.

At this time, there have been 31 protest petitions received and stamped by the city clerk. Fifteen of those 31 petitions are located within the formal notification area, equating to 34.7% of the total real property within the area required to be notified by state statute. With the protest being more than 20% of the total real property within the area required to be notified by state statute of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Section V-C.10.b, such

amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all members of the Governing Body. (Article V, Section C.10(a) of the Unified Zoning Code)

Financial Considerations: None.

Goal Impact: Promote Economic Vitality and Improve Housing Variety

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to the additional conditions of Protective Overlay #193; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a majority vote of the City Council on the first hearing.)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2007-00054

Request for zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as:

Lot 3, Key's Addition, Wichita, Kansas, Sedgwick County, Kansas, except the west 37.00 feet thereof. Generally located northwest of the intersection of S. Calhoun Dr. and E. Orme St.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

EXCERPT MINUTES NOVEMBER 15, 2007 MAPC MEETING

Case No.: ZON2007-54/CUP2007-61 – Michael E. Steven and Nevets, Inc., c/o Harold Johnson (owner); Baughman Company, P.A., c/o Russ Ewy (agent.) City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial accompanying the creation of DP-308 Steven's Toyota Community Unit Plan on property described as;

All of Lot 1, Chrysler Addition, Wichita, Kansas, Sedgwick County, Kansas, TOGETHER with all of Lot 1, E.M. Steven's Third Addition, Wichita, Kansas, Sedgwick County, Kansas TOGETHER with Lot 3, Key's Second Addition, Wichita, Kansas, Sedgwick County, Kansas except the west 37.00 feet thereof, TOGETHER with that part of Whittier Road as dedicated in Leoffler Addition to Wichita, Kansas and that part of Whittier Road as dedicated in Keys Addition to Wichita, Kansas, lying south of and abutting the following described line: Beginning at the Northwest corner of Lot 1 in said E.M. Steven's Third Addition; thence westerly along the extended north line of said Lot 1, 60.00 feet to a point on the east line of Lot 1 in said Chrysler Addition, and there ending, and lying north of an abutting the following described line: Beginning at the most westerly Southwest corner of Lot 1 in said E.M. Steven's Third Addition, said most westerly Southwest corner also being the Northwest corner of Lot 1, Keys Second Addition to Wichita, Kansas; thence westerly along the extension of that part of the south line of Lot 1 in said E.M. Steven's Third Addition that is common with the north line of Lot 1 in said Leys Second Addition, 60.00 feet to a point on the east line of Lot 1 in said Chrysler Addition, and there ending. Generally located south and west of the intersection of Calhoun Drive and Kellogg Avenue (US-54.)

BACKGROUND: The applicant proposes to create DP-308 Mike Steven Motors Community Unit Plan, containing approximately 7.5 acres on the block of property bounded by Kellogg Drive on the north, Gouverneur Road on the west, Calhoun Drive on the east with SF-5, residentially developed property to the south. Concurrently, 0.15 acre of the property zoned SF-5 would need to be rezoned to LC so that the majority of the CUP would be designated as LC, 0.5-acre of the subject property is zoned GC. One lot along Whittier Road, zoned SF-5, is excluded from this request and is owned by another private property owner.

The majority of this tract already is zoned LC and used for an automobile dealership. The proposed vacation of Whittier Road would consolidate the Mike Steven Motors holdings and triggers the need for a CUP since the overall tract would exceed six acres of LC zoning. The proposed use for the CUP is auto sales and leasing and associated uses. The east half of the site, platted as E.M Stevens 3rd Addition with one lot in the Keys 2nd Addition, consists of a showroom, service building and vehicle storage facilities. The existing structure, on the east half of the site, is proposed to be expanded and used as the main showroom, service building and vehicle storage facility. The west half of the site, platted as Chrysler Addition, currently has an existing service and showroom building which is proposed to be removed for additional vehicle display. The approval of the CUP is contingent on the vacation of S. Whittier Road, which currently divides the proposed CUP in half. With the vacation of the stretch of road, the CUP will become one whole parcel for the automobile dealership.

Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent. An exception to the setbacks could be made since the existing structure on the east part of the property is currently setback 10 feet from the east side property line and the planned addition to the existing structure would be setback 15 feet from the rear property line. Other than those two locations, the remainder of the setbacks within the CUP should be 35 feet. Maximum building height would be 35 feet. Signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Building wall signs are prohibited on facades facing Gouverneur Road, Calhoun Drive, and the south towards the residential development. Freestanding signs shall be prohibited within

EXCERPT MINUTES NOVEMBER 15, 2007 MAPC MEETING

the south 145 feet of Governour Road, within the south 100 feet of Calhoun Road, except for directional signs denoting parking spaces within the property. Outdoor speaker systems and elevated platforms for vehicle display would be prohibited in accordance to Unified Zoning Code Article III, Section III-D.6.x.

Access control shall be as shown on the plan. Dedication of access control shall be granted by separate instrument or by replatting the property. Access drives spaced less than 50 feet apart along Kellogg Drive shall be consolidated into a single access point. Requested screening on the south property line and southwest corner of the property, adjacent to residential zoning, would be with a six to eight foot high concrete wall with a planting screen of evergreen trees at a rate of one tree per 20 linear feet in between the property line and the concrete wall.

The Kellogg freeway borders the property on the north. The land north of the freeway is developed as an automobile dealership with "PUD," Planned Unit Development, zoning, Town East Square, zoned LC, is located northeast of the site and the residential enclave, Eastborough, is located northwest of the subject site. To the east of the site is a hotel and restaurant, zoned LC and "GO," General Office. Another automobile dealership on property zoned LC is located west of Governour Road. All property to the south is zoned "SF-5" Single-family Residential and is developed with single-family residences.

CASE HISTORY: Two plats are in effect on the property: E.M. Stevens 3rd Addition, recorded October 15, 1985; and Chrysler Addition, recorded March 10, 1970. Property rezoned since 1960 include Z-2329 from BB to LC (E.M. Stevens Third Addition), Z-2612 from AA to LC (E.M. Stevens Third Addition), Z-3008 from C to LC and LC to C (Chrysler Addition,) and Z-3024 from LC to C (Chrysler Addition.) BZA24-81 and BZA 4-84 were approved requests to permit the expansion of a new and used car sales lot, and BZA 59-85 was a request to amend a previously approved exception for a new or used car sales lot.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, PUD, Eastborough	Kellogg freeway, Single-family, shopping center, automobile dealership
EAST:	LC	Hotel with restaurant
SOUTH:	SF-5	Single-family residential
WEST:	LC	Automobile dealership

PUBLIC SERVICES: Kellogg Drive is a one-way arterial frontage road for the Kellogg freeway (US-54) that is serviced from the Woodlawn on and off ramps. Traffic counts were not available for the frontage road. Other municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "regional commercial," which is the type of development proposed. The property south of the subject site is shown as "urban residential." **Commercial Objective III.B** encourages future commercial areas to: "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses." The tract has good access due to its location on Kellogg. Access control would be requested on Governour Road and the northern 425 feet of Calhoun Drive. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is to be in alignment with the arterial separation standards of the Access Management Policy. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The proposed CUP restricts signage, the height of parking lot lighting to 15 feet and the prohibition of outdoor speakers in the CUP.

EXCERPT MINUTES NOVEMBER 15, 2007 MAPC MEETING

RECOMMENDATION: Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year, and subject to the following conditions:

- A. APPROVE the zone change (ZON2007-54) to LC Limited Commercial subject to replatting or dedication of access controls within one year;
- B. APPROVE the Community Unit Plan (DP-308), subject to the conditions of the CUP attached hereto and the following conditions:
 - 1. Parcel 1 shall be subject to the Unified Zoning Code Article III, Section III-D.6.x.
 - 2. Upon approval of the CUP, BZA59-85 and BZA39-65 shall be deemed superseded by the CUP requirements.
 - 3. A replat or dedication of access control to eliminate one access point on Kellogg as shown on the CUP shall be completed and the owner shall guarantee closure of the one drive. There will be one major access point along Kellogg Drive.
 - 4. A replat or dedication of access control to provide access control on Gouverneur Road, allowing one access opening, and access control along Calhoun Drive, allowing three access openings.
 - 5. Add to General Provision #2 that signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Add that building wall signs are prohibited on facades facing towards the residential development south of the subject site. Freestanding signs shall be prohibited within the south 145 feet of Gouverneur Road, and within the south 100 feet of Calhoun Drive, except for directional signs denoting parking spaces within the property.
 - 6. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - 7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - 8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - 9. The applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-308) includes special conditions for development on this property.
 - 10. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The Kellogg freeway borders the property on the north. The land north of the freeway is developed with an automobile dealership with "PUD," Planned Unit Development, zoning, Town East Square, zoned "LC," Limited Commercial, is located northeast of the site and the residential enclave, Eastborough, is located northwest of the subject site. To the east of the site is a hotel and restaurant, zoned LC and "GO," General Office. Another automobile dealership on property zoned LC is west of Gouverneur

EXCERPT MINUTES NOVEMBER 15, 2007 MAPC MEETING

Road. All property to the south is zoned “SF-5” Single-family Residential and in single-family residential use.

2. The suitability of the subject property for the uses to which it has been restricted: The area is most suitable for the LC zoning and uses so long as sufficient buffering and screening is provided along the south property line to protect the single-family residential neighborhood to the south.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The remaining property owner on property zoned SF-5 will be most affected by the rezoning as this property will be surrounded by intensive commercial use. The buffering and screening will provide some visual separation to the single-family homes on Gouverneur Road and to the south on Whittier Road and Calhoun Drive.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “regional commercial,” which is the type of development proposed. The property south of the subject site is shown as “urban residential”. **Commercial Objective III.B** encourages future commercial areas to: “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses.” The tract has good access due to its location on Kellogg. Access would be prohibited on Gouverneur Road and the northern 425 feet of Calhoun Drive. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is to be in alignment with the arterial separation standards of the Access Management Policy. **Commercial Locational Guideline #1** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use. The proposed CUP restricts signage, the height of parking lot lighting to 15 feet and the prohibition of outdoor speakers in the CUP.
5. Impact of the proposed development on community facilities: As proposed, no significant impacts.

BISHOP Asked if item #9 is the case that is associated with the previous plat that we deferred?

MITCHELL Yes.

DERRICK SLOCUM Planning staff presented the staff report.

DOWNING For the closing of Whittier Street, does that currently open onto Kellogg as a public street?

SLOCUM Yes, it did onto Kellogg Drive.

DOWNING If we do not close it, will it open onto Kellogg Drive?

SLOCUM Yes.

DOWNING This will include the closing of a public street, Whittier?

SLOCUM Yes.

EXCERPT MINUTES NOVEMBER 15, 2007 MAPC MEETING

SCHLEGEL In approving the zoning and CUP today, you would not be closing Whittier. That is part of the plat, the item that was deferred.

GISICK The Fire Chief requested that we add or remove a hydrant. Is that part of this request?

SLOCUM That is a platting issue.

HILLMAN What did neighborhood DAB think of this request?

SLOCUM DAB hearing is Monday Dec 3. They have not heard this, yet.

RUSS EWY, BAUGHMAN COMPANY With previous cases for car dealerships, we have come into conflict with the Office of Central Inspection concerning what is a car wash and what is an accessory detailing service as part of the dealership. I thought it was important for us to understand there was some confusion. For the record, when we discuss car wash or vehicle detailing as part of a dealership, it is not for the public and is simply a use for the dealership as a customer service.

BISHOP Has there been any direction in terms of not having outdoor speakers and lighting?

EWY It is part of condition #1. This is a broad base of restrictions for car dealerships.

STEVE BIRD, 663 WHITTIER REPRESENTING HIS DAUGHTER When his daughter bought a house 2 years ago, it was purchased because it was not on a dead-end street. She does not like living on a dead-end street. That is my only opposition.

GREG FERRIS I have been working with the Toyota dealership on this project. I just wanted to address the closure of Whittier because it is intimately involved with the CUP. If there was not any closure of Whittier there would not be any access control, and we would not be here. We met with staff, it was determined that a CUP and replatting were the appropriate processes. As part of the record, a letter has been mailed to everyone living along Whittier and three houses along Gilbert of our intention to vacate Whittier. Ms. Byrd is the only owner resident on Whittier that does not strongly support or oppose the closure of Whittier. This creates more of a neighborhood for them because the traffic from the commercial uses makes it impossible. There were seven people I was not able to reach. I wanted you to be aware that it is not a surprise that we're closing Whittier. Part of the CUP is closing the road. The reason we did not go to the DAB is that it was determined that it was a case that did not need to go to the DAB. Since that time, there have been some questions. We will be going to the DAB during December before the plat is returned to you. If Whittier does not close, there will be access to Kellogg Drive. In the future, you will only be able to go east.

MITCHELL Disclosed receipt of opposition letter from Chuck Lambertz

MOTION: To approve subject to staff recommendation.

MARNELL moved, **BISHOP** seconded the motion, and it carried (10-0).

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: CUP2007-61 Associated with ZON2007-54– Create DP- Mike Steven Motors Community Unit Plan; zone change to “LC” Limited Commercial. Generally located between Kellogg Drive, Gouverneur Road, and Calhoun Drive. (District II)

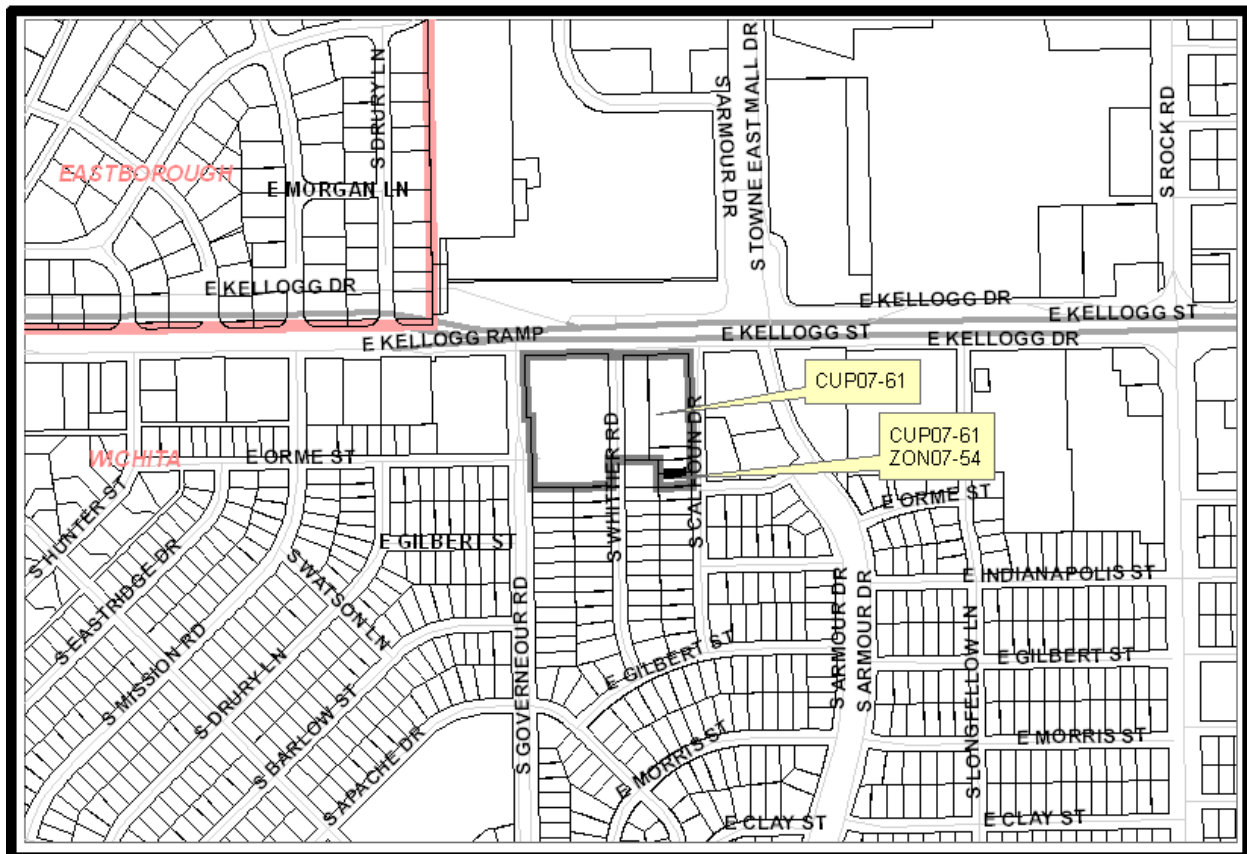
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

MAPC Recommendations: Approve, subject to staff recommendations (11-0).

MAPD Staff Recommendations: Approve, subject to replatting or dedication of access control within one year.

DAB Recommendations: Was heard at the DAB II meeting, but no recommendations were made.



Background: The applicant proposes to create DP-308 Mike Steven Motors Community Unit Plan, containing approximately 7.5 acres. With the CUP, the applicant is rezoning the .15 acre property from “SF-5” Single-family Residential to “LC” Limited Commercial bounded by Kellogg Drive on the north, Gouverneur Road on the west, Calhoun Drive on the east and SF-5, residentially developed property located to the south. One lot along Whittier Road, zoned SF-5, is excluded from this request and is owned by another private property owner.

The majority of this tract already is zoned LC and used for an automobile dealership. The proposed vacation of Whittier Road would consolidate the Mike Steven Motors holdings, and triggers the need for a CUP since the overall tract size would exceed six acres of LC zoning. The proposed use for the CUP is auto sales and leasing and associated uses. The east half of the site, platted as E.M Stevens 3rd Addition with one lot in the Keys 2nd Addition, consists of a showroom, service building and vehicle storage facilities. The existing structure, on the east half of the site, is proposed to be expanded and used as the main showroom, service building and vehicle storage facility. The west half of the site, platted as Chrysler Addition, currently has an existing service and showroom building which is proposed to be removed for additional vehicle display. The approval of the CUP will be contingent on the replatting or vacation of S. Whittier Road, which currently divides the proposed CUP in half. With the closure of this stretch of road, the CUP will become one whole parcel for the automobile dealership.

Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent. An exception to the setbacks could be made since the existing structure on the east part of the property is currently setback 10 feet from the east side property line and the planned addition to the existing structure would be setback 15 feet from the rear property line. Other than those two locations, the remainder of the setbacks within the CUP should be 35 feet. Maximum building height would be 35 feet. Signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Building wall signs are prohibited on facades facing Gouverneur Road, Calhoun Drive, and south towards the residential development. Freestanding signs shall be prohibited within the south 300 feet of Gouverneur Road, within the south 300 feet of Calhoun Road, except for directional signs denoting parking spaces within the property. Outdoor speaker systems and elevated platforms for vehicle display would be prohibited in accordance to Unified Zoning Code Article III, Section III-D.6.x.

Access control shall be as shown on the plan. Dedication of access control shall be granted by separate instrument or by replatting the property. Access drives spaced less than 50 feet apart along Kellogg Drive shall be consolidated into a single access point. Requested screening on the south property line and southwest corner of the property, adjacent to residential zoning, would be with a six to eight foot high concrete wall with a planting screen of evergreen trees at a rate of one tree per 20 linear feet in between the property line and the concrete wall.

The Kellogg freeway borders the property on the north. The land north of the freeway is developed as an automobile dealership with “PUD,” Planned Unit Development zoning, Town East Square, zoned LC, is located northeast of the site and the residential enclave, Eastborough, is located northwest of the subject site. To the east of the site is a hotel and restaurant, zoned LC and “GO,” General Office. Another automobile dealership on property zoned LC is located west of Gouverneur Road. All property to the south is zoned SF-5 and is developed with single-family residences.

Analysis: At the District II Advisory Board meeting held December 3, 2007, DAB II did not vote on the case to recommend approval or denial since the DAB members decided that they did not have a quorum. There was one citizen that spoke in opposition of the application, and one citizen sent in a letter of opposition. No protest petitions have been received in opposition to the zone change and CUP as a project. At the MAPC meeting held November 15, 2007, MAPC voted (10-0) to approve subject to staff recommendations:

- A. APPROVE the zone change (ZON2007-54) from “SF-5” Single-family Residential to “LC” Limited Commercial subject to replatting or dedication of access controls within one year;

B. APPROVE the Community Unit Plan (DP-308), subject to the conditions of the CUP attached hereto and the following conditions:

1. Parcel 1 shall be subject to the Unified Zoning Code Article III, Section III-D.6.x.
2. Upon approval of the CUP, BZA59-85 and BZA39-65 shall be deemed superseded by the CUP requirements.
3. A replat or dedication of access control to eliminate one access point on Kellogg as shown on the CUP shall be completed and the owner shall guarantee closure of the one drive. There will be one major access point along Kellogg Drive.
4. A replat or dedication of access control to provide access control on Gouverneur Road, allowing one access opening, and access control along Calhoun Drive, allowing three access openings.
5. Add to General Provision #2 that signs shall be spaced a minimum of 150 feet apart except that the spacing between two signs on Kellogg that may be reduced to 120 feet. Add that building wall signs are prohibited on facades facing towards the residential development south of the subject site. Freestanding signs shall be prohibited within the south 145 feet of Gouverneur Road, and within the south 100 feet of Calhoun Drive, except for directional signs denoting parking spaces within the property.
6. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
7. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
8. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
9. The applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-308) includes special conditions for development on this property.
10. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the community unit plan and the zone change subject to the recommended conditions, and replatting within one year; withhold the publication of the ordinance until conditions of approval have been met; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2007-66

Zone change from "MF-29" Multi-family Residential to "LC" Limited Commercial on property described as:

Odd lots 9 thru 17 inc. exc. west 10-feet for street, Block H, South University Place Addition, Wichita, Sedgwick County, Kansas; and Lots 19-21-23-25-27 exc. 10-feet for street and exc. south 11-feet of Lot 27, Block H, South University Place Addition, Wichita, Sedgwick County, Kansas. Generally located east of Meridian and south of Merton. (1716 and 1722 S. Meridian Avenue).

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

EXCERPT OF JANUARY 24, 2008 MINUTES

Case No.: ZON2007-66 – Walter Graham (owner) Request City zone change from "MF-29" Multi-family Residential to "LC" Limited Commercial on property described as:

Odd lots 9 thru 17 inc. exc. west 10-feet for street, Block H, South University Place Addition, Wichita, Sedgwick County, Kansas

and;

Lots 19-21-23-25-27 exc. 10-feet for street and exc. south 11-feet of Lot 27, Block H, South University Place Addition, Wichita, Sedgwick County, Kansas. Generally located Southeast of the intersection of South Meridian and West Merton (1716 and 1722 S. Meridian).

BACKGROUND: The application area consists of two platted parcels with 240 feet of frontage on South Meridian. The site is zoned "MF-29" Multi-family Residential; the two parcels are each developed with a single-family residence and detached accessory structures. The residences were built in 1950 and 1930. The applicant seeks a zone change to "LC" Limited Commercial; the applicant does not specify a future desired LC land use.

Immediately north of the application area is an MF-29 zoned legal non-conforming mobile home, further north is a single-family residence which recently received a zone change to LC. North of Merton on both sides of Meridian are LC zoned strip malls. South of the application area is an MF-29 zoned fourplex, and MF-29 zoned single-family residences. East of the site is a "TF-3" Two-family Residential zoned church, and TF-3 zoned residences. West of the site, across Meridian, are "SF-5" Single-family Residential zoned residences and vacant lots. Southwest of the site, at the Meridian and Esthner intersection, is an LC zoned vehicle repair business.

CASE HISTORY: The site was platted as odd Lots 9 through 17 except the west 10 feet for street, and odd Lots 19 through 27 except the west 10 feet for street and except the south 11 feet of lot 27, Block H, of the South University Place Addition in 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-29" "LC"	Mobile home, single-family residence, strip commercial
SOUTH:	"MF-29"	Fourplex, single-family residences
EAST:	"TF-3"	Church, duplex, single-family residences
WEST:	"SF-5"	Single-family residences, vacant lots

PUBLIC SERVICES: South Meridian is a paved, 4-lane, section-line arterial street with a 40-foot half-width right-of-way (ROW) at this location. The traffic count for this portion of Meridian is 16,359 vehicles per day. The Wichita CIP identifies a five-lane project for this portion of Meridian in 2012. The application area has three access points from Meridian. All normal utilities are available at the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Urban Residential." The Urban Residential category includes all densities of residential development found within the urban municipality. The Comprehensive Plan Commercial Locational Guidelines state the following: commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments; and commercially-generated traffic should not feed directly onto local residential streets.

The application area is within the Stanley/Alley Neighborhood Association. No neighborhood plans exist at this location.

The City of Wichita Access Management Policy would require a 60-foot ROW at this location along Meridian, and would require a 400-foot separation between full movement access points. The proposed zone change from “MF-29” to “LC” would require conformance to all property development standards to include setbacks, compatibility standards, parking, screening, and landscape requirements.

RECOMMENDATION: Precedent was recently set with approval of a similar zone change two parcels north of this site. The City Traffic engineer has concerns regarding ROW width for Meridian improvements, and the number of access points. The Access Management policy would normally require 60 feet of ROW on an arterial, and would limit this site to one access point. The City Traffic engineer recommends a 50-foot ROW at this location (therefore a 10-foot dedication), two access points spaced a minimum of 150 feet, and a cross-lot agreement with the abutting north and south property owners, should those properties rezone to commercial zoning. A similar 10-foot ROW dedication was required for the LC zoning southwest of this site. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to the dedication of 10 feet of ROW on Meridian, dedication of access control except for two openings spaced a minimum of 150 feet along Meridian, and filing a cross-lot access agreement with the abutting north and south properties.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the application area is an MF-29 zoned legal non-conforming mobile home, further north is a single-family residence which recently received a zone change to LC. North of Merton on both sides of Meridian are LC zoned strip malls. South of the application area is an MF-29 zoned fourplex, and MF-29 zoned single-family residences. East of the site is a “TF-3” Two-family Residential zoned church, and TF-3 zoned residences. West of the site, across Meridian, are “SF-5” Single-family Residential zoned residences and vacant lots. Southwest of the site, at the Meridian and Esthner intersection, is an LC zoned vehicle repair business.
2. The suitability of the subject property for the uses to which it has been restricted: Under the current zoning, the site could continue to be used for single-family residences, or could be re-developed with two-family or multi-family residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all land uses permitted in LC zoning on the site. The affect on nearby residents could be increased traffic, noise, trash, and light from a non-residential use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential”. The Urban Residential category includes all densities of residential development found within the urban municipality. This request does not conform to the Commercial Locational Guidelines of the Comprehensive Plan which discourage commercial “stripping” of arterials. The site does not conform to the Access Management Policy; staff recommended dedications would mitigate traffic problems at this location.
5. Impact of the proposed development on community facilities: Traffic volume on Meridian could increase as a result of the proposed zone change, turning movements at this site would certainly increase with the proposed zone change. The staff recommended ROW dedication, access

control dedication, and cross lot access agreements should mitigate the increased traffic and turning movements.

JESS MCNEELY, Planning Staff presented the staff report.

JOHNSON clarified that it was 40 feet of half-street width right-of-way.

Responding to a question from **MCKAY**, **MCNEELY** said there was 240 feet of frontage along Meridian.

WALTER GRAHAM, APPLICANT, 1716 and 1722 SOUTH MERIDIAN, said he was requesting Light Commercial zoning without restrictions. He referenced Michael Mark's zoning request, his neighbor to the north, and how the MAPC granted his application without any restrictions. He mentioned that Planning staff had requested that he dedicate 10 feet for right-of-way. He said all of his neighbors will be compensated by the City purchasing their land for right-of-way at fair market value, and that if he dedicates the property now he loses the opportunity to sell it to the City in the future. He also said he sees no reason for placement of restrictions at this time until future plans are solidified. He said from what he knows about cross-lot agreements, all parties share the cost to construct access drives and provide maintenance. He said such an agreement with his neighbors at this time would only serve them. He said both properties have adequate entrances in place, and that with staff's proposal, two parking spaces would be lost to the south at apartment complex. He said since the MAPC approved a similar case in December, 2007, without special restrictions, he would like the same consideration. He concluded by thanking the Commission for approving commercial zoning because he believed it opened the door to progress in the area.

DIRECTOR SCHLEGEL asked staff if the applicant was correct about the previous zoning case from December, 2007.

MCNEELY replied that no conditions were placed on the Mark's rezoning; however, he explained that staff had recommended denial of the case, but with the provision that the MAPC could approve Neighborhood Retail zoning along with dedication of access control because the lot had 50 feet of frontage which was not enough space to develop under current setback and parking restrictions. He said the MAPC and City Council approved Limited Commercial zoning with no dedication requirements.

MCKAY asked about the possibility of a "contingent" right-of-way dedication.

DIRECTOR SCHLEGEL asked what that would accomplish?

MCKAY said he didn't know if it would accomplish anything or not, but as the gentlemen pointed out, property owners around him will have the opportunity to sell right-of-way and be compensated by the City.

MOTION: To approve without the 10-foot right-of-way dedication, access management, or cross-lot access agreement.

MARNELL moved and **DOWNING** seconded the motion.

SUBSTITUTE MOTION: To approve, subject to staff recommendation.

GISICK moved, **DENNIS** seconded the substitute motion.

MARNELL commented that he was going to oppose the substitute motion because of the continued practice Planning Department staff has of extorting property from people when they apply for a zoning change. He said if the City can afford to buy the 10-foot strip of property from other property owners in the area, they can afford to pay this applicant also.

Responding to a question from **FOSTER** concerning the property to the north already having a dedication, **MCNEELY** referred to the map and briefly reviewed two properties on the north side of Meridian that have right-of-way already dedicated. He said there is some precedent for the request of dedication because commercial zoning intensifies uses in an area.

Responding to **FOSTER** concerning Meridian as an arterial, **MCNEELY** briefly explained the road system access management policy on arterials.

SUBSTITUTE MOTION: To approve, subject to staff recommendation, failed (5-7).
DOWNING, FOSTER, HENTZEN, JOHNSON, MARNELL, MCKAY, MILLER STEVENS – No.

FOSTER requested that he be allowed to change his vote.

There was brief discussion concerning parliamentary procedure and “Robert’s Rules of Order” concerning **FOSTER**’s request.

BOB PARNACOT, COUNTY LAW DEPARTMENT, suggested that the Commission reconsider the item if members were unclear on the substitute motion.

DIRECTOR SCHLEGEL suggested that a motion be made to reconsider the vote on the substitute motion.

MOTION: To reconsider the vote on the substitute motion.

FOSTER moved, **HILLMAN** seconded the motion, and it carried (7-5).

RE-VOTE ON SUBSTITUTE MOTION: To approve, subject to staff recommendation failed (5-7).

MARNELL said he will continue to raise his objection to this because he did not think it was necessary to take land from landowners because they come to the Planning Commission for a zoning change. He said it may be lawful, but it is not right.

HENTZEN asked if it would be appropriate to ask why this person wants to change his vote and his reason for requesting a re-vote.

FOSTER said during the course of the discussion he heard three different motions and he realized after he voted that he was in error.

ORIGINAL MOTION: To approve without the 10 foot right-of-way dedication, access management, or cross-lot access agreement, passes (8-4).

JOHNSON explained that he was voting in favor of the original motion, even though he also voted in favor of the substitute motion, because he said he thinks light commercial works in this area.

City of Wichita
City Council Meeting
March 4, 2008

TO: Mayor and City Council

SUBJECT: ZON2007-66 - City Zone change from “MF-29” Multi-Family to “LC” Limited Commercial. Generally located southeast of the intersection of Meridian and Merton (1716 and 1722 S. Meridian)) (District IV)

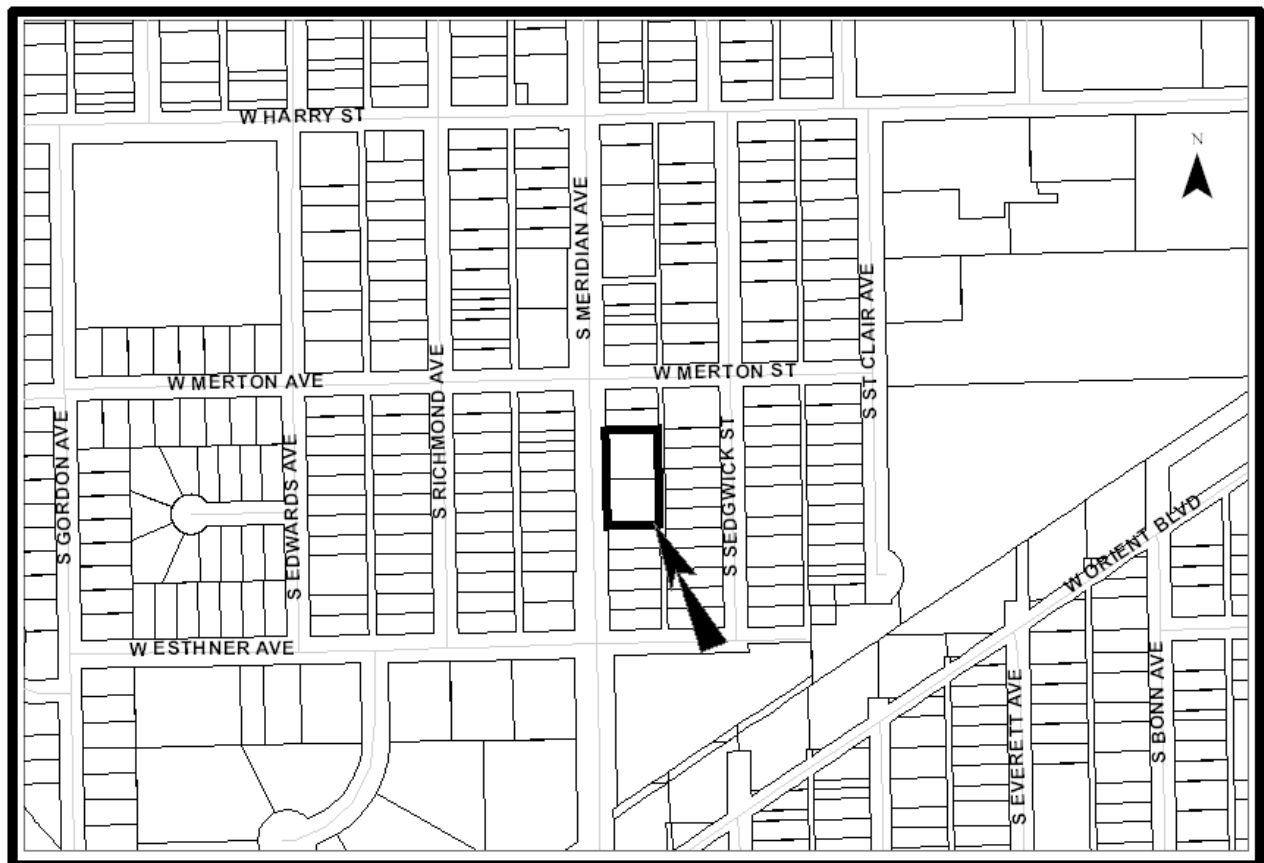
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-consent)

MAPC Recommendation: Approve without staff recommended dedications (8-4).

DAB IV Recommendation: Approve with staff recommended dedications (8-0-1).

MAPD Staff Recommendation: Approve subject to the dedication of 10 feet of ROW on Meridian, dedication of access control except for two openings spaced a minimum of 150 feet along Meridian, and filing a cross-lot access agreement with the abutting north and south properties.



Background: The application area consists of two platted parcels with 240 feet of frontage on South Meridian. The site is zoned “MF-29” Multi-family Residential; the two parcels are each developed with a single-family residence and detached accessory structures. The residences were built in 1950 and 1930. The applicant seeks a zone change to “LC” Limited Commercial; the applicant does not specify a future desired LC land use.

Immediately north of the application area is an MF-29 zoned legal non-conforming mobile home, further north is a single-family residence which recently received a zone change to LC. North of Merton on both sides of Meridian are LC zoned strip malls. South of the application area is an MF-29 zoned fourplex, and MF-29 zoned single-family residences. East of the site is a “TF-3” Two-family Residential zoned church, and TF-3 zoned residences. West of the site, across Meridian, are “SF-5” Single-family Residential zoned residences and vacant lots. Southwest of the site, at the Meridian and Esthner intersection, is an LC zoned vehicle repair business.

Analysis: MAPC heard this request on January 24, 2008. The MAPC voted (8-4) to approve the request without the staff recommended dedications. At the MAPC, a substitute motion to approve with the staff recommended dedications failed. DAB IV reviewed this request on February 6, 2008. The DAB approved the request subject to the staff recommended dedications. No protest petitions have been filed.

Financial Considerations: None.

Goal Impact: Promote economic vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the request without the staff recommended dedications; approve the first reading of the ordinance establishing the zone change; or
2. Approve subject to the dedication of 10 feet of ROW on Meridian, dedication of access control except for two openings spaced a minimum of 150 feet along Meridian, and filing a cross-lot access agreement with the abutting north and south properties, all to be completed within one year of approval. Approve the first reading of the ordinance establishing the zone change, instruct staff to withhold publication of the ordinance until conditions have been met; or
3. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

132019

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90373 (EAST OF TYLER, NORTH OF MAPLE)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90373 (EAST OF TYLER, NORTH OF MAPLE)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90373 (east of Tyler, north of Maple)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Sixteen Thousand Five Hundred Dollars (\$16,500)** exclusive of the cost of interest on borrowed money, with **100** percent of the total cost payable by the improvement district. Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2008**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

MCPEAK ADDITION

Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 1, Block A, MCPEAK ADDITION, shall pay the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____day of_____, 2008

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

CERTIFICATE

CITY OF WICHITA)
SEDGWICK COUNTY) SS
STATE OF KANSAS)

We, the undersigned, owner of McPeak Addition, Wichita, Sedgwick County, Kansas, do hereby certify that petitions for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

1. Water Main Improvements

As a result of the above-mentioned petitions for improvements, lots or portions thereof within McPeak Addition, Wichita, Sedgwick County, Kansas may be subject to special assessments assessed thereto for the cost of construction of the above-described improvements.

Signed this 8th day of February, 2008.



Craig A. McPeak



Rebecca J. McPeak

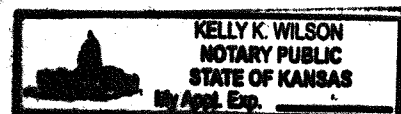
State of Kansas)
) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this 8th day of February, 2008, by Craig A. and Rebecca J. McPeak, husband and wife.



Notary Public

My Appointment Expires: 11/08/09



Page 1 of 2

DRAINAGE AGREEMENT

This agreement, executed this 8th day of February, 2008.

WITNESSETH: That,

WHEREAS, the undersigned is in the process of platting certain real property to be known as McPeak Addition, Wichita, Sedgwick County, Kansas, and

WHEREAS, an application for subdivision approval has been filed with the Metropolitan Area Planning Commission Application No. SUB 2007-10.

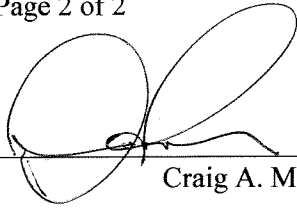
WHEREAS, Subdivision approval is conditional upon a Cross Lot Drainage Agreement being established.

NOW THEREFORE, the undersigned does hereby subject covenant and agree as follows:

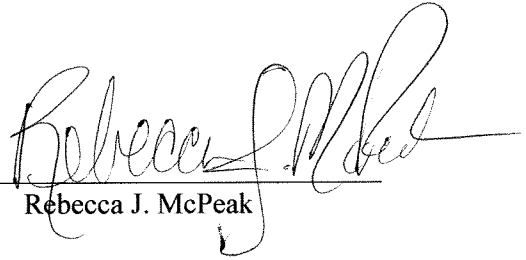
1. For the benefit of Lot 2, Block A, McPeak Addition, Wichita, Sedgwick County, Kansas, that all surface drainage of any and all storm water runoff from Lot 2, Block A, McPeak Addition, Wichita, Sedgwick County, together with the improvements which may, from time to time, be constructed, altered modified, and maintained thereon, may flow and run onto, over, upon and across Lot 1, Block A, McPeak Addition, Wichita, Sedgwick County, Kansas.
2. For the benefit of Lot 1, Block A, McPeak Addition, Wichita, Sedgwick County, Kansas, that all surface drainage of any and all storm water runoff from Lot 1, Block A, McPeak Addition, Wichita, Sedgwick County, together with the improvements which may, from time to time, be constructed, altered modified, and maintained thereon, may flow and run onto, over, upon and across Lot 2, Block A, McPeak Addition, Wichita, Sedgwick County, Kansas.

WITNESS our signatures attached with the respect to each of the properties owned the day and year above stated.

Page 2 of 2



Craig A. McPeak



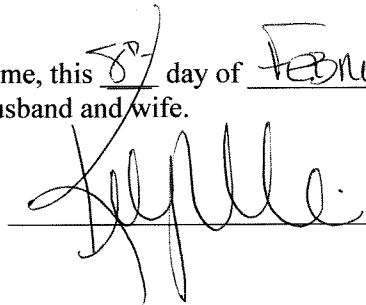
Rebecca J. McPeak

State of Kansas)

) SS

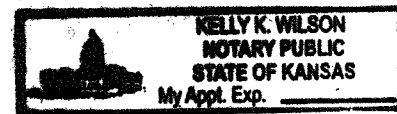
Sedgwick County)

The foregoing instrument acknowledged before me, this 8th day of FEBRUARY, 2008,
by Craig A. McPeak and Rebecca J. McPeak, husband and wife.



Notary Public

My Appointment Expires: 11-08-08



**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: SUB 2007-10 -- Plat of McPeak Addition located east of Tyler Road and north of Maple Street. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of two lots on 2.54 acres, is located within Wichita's city limits and is zoned "SF-5" Single-family Residential District.

Analysis: Sanitary sewer services are available to serve the site. A Petition, 100 percent, and a Certificate of Petition, have been submitted for water improvements. As requested by City Engineering, an off-site Drainage Agreement has also been submitted.

The Planning Commission has approved the plat, subject to conditions.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petition and Drainage Agreement will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat and authorize the necessary signatures.



DRIVE APPROACH CLOSURE CERTIFICATE

Crawford
~~Sedgwick~~ County)
) SS
State of Kansas)

Fleming Petroleum Corporation, owner(s) of that certain real property to be known as Lot 1, Block 1, Oak Cliff Estates 7th Addition, A Replat of Lot 1, Block 20, Oak Cliff Estates Addition and Lot 3, Block 1, Oak Cliff Estates 4th Addition, Wichita {or Sedgwick County}, Kansas, is in the process of platting said property, and does hereby acknowledge that in accordance with the requirements of the platting process as set forth by the City of Wichita, any existing drive approaches on Maple Street & Maize Road per said platting requirements shall be closed.

This is to place on notice the owner(s) of the above-described property and subsequent owners thereof that, as a result of the above-cited platting requirements, said owner and subsequent owners thereof are responsible for seeing that such drive approach or approaches are removed and closed per City of Wichita's specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. - bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

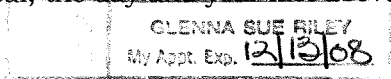
Signed this 11 day of Sept., 2007.

By: Charles J. Rortz, President
Fleming Petroleum Corporation

STATE OF Kansas)
) SS:
COUNTY OF SEDGWICK)
Crawford

BE IT REMEMBERED, that on this 11 day of Sept, 2007, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Fleming Petroleum Corporation to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Glenn S. Riley
Notary Public

My Appointment Expires: Dec. 13, 2008

**NOTICE OF COMMUNITY UNIT PLAN
Oak Cliff Estates 7th Addition (DP-104)**

THIS NOTICE made this 6th day of February, 2008, by Edward J. Rortz, President, Fleming Petroleum Corporation hereinafter called "Declarant,"

WITNESSETH

WHEREAS, Declarant is the owner of the following-described property:

Lot 1, Oak Cliff Estates 7th Addition, A Replat of Lot 1, Block 20, Oak Cliff Estates Addition and Lot 3, Block 1, Oak Cliff Estates 4th Addition, Wichita, Sedgwick County, Kansas

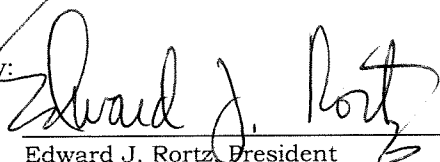
and

WHEREAS, Declarant is desirous to file notice that a community unit plan approved by the City of Wichita is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, located on the 10th Floor, City Hall, Wichita, Kansas, (316) 268-4421.

NOW, THEREFORE, the Declarant gives notice that the approved community unit plan Oak Cliff Estates 7th Addition AND DP-104 has placed restrictions on the use and requirements on the development of the above-described real property. The community unit plan shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Lot(s) 1, Oak Cliff Estates 7th Addition.

EXECUTED the day and year first written above.

By:



Edward J. Rortz, President
Fleming Petroleum Corporation

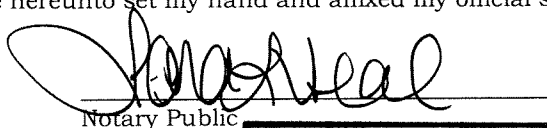
STATE OF KANSAS)

SS

CRAWFORD COUNTY)

BE IT REMEMBERED, that on this 6 day of Feb., 2008 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Edward J. Rortz, President, Fleming Petroleum Corporation, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.


Notary Public

(My Commission Expires: 09/01/09)



**City of Wichita
City Council Meeting
March 4, 2008**

TO: Mayor and City Council Members

SUBJECT: SUB 2007-68 -- Plat of Oak Cliff Estates 7th Addition located on the northwest corner of Maple Street and Maize Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of one lot on 1.53 acres, is a replat of Lot 1, Block 20, Oak Cliff Estates Addition and Lot 3, Block 1 in the Oak Cliff Estates 4th Addition. This site is located within Wichita's city limits and is zoned "LC" Limited Commercial District. The Oak Cliff Estates Community Unit Plan (CUP 2007-64/DP-104) was also approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: Municipal services are available to serve the site. A Drive Approach Closure Certificate has been submitted to guarantee the closure of any driveway openings located in an area of complete access control or that exceed the number of allowed openings.

The Planning Commission has approved the plat, subject to conditions.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Notice of Community Unit Plan and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat and authorize the necessary signatures.

